



Definitions of Child Abuse and Neglect: Summary of State Laws

Child abuse and neglect are defined by both Federal and State law. The Child Abuse Prevention and Treatment Act (CAPTA) is the Federal legislation that provides minimum standards for the definition of child abuse and neglect that States must incorporate in their statutory definitions. Under CAPTA, child abuse and neglect means, at a minimum:

- Any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.¹

¹ 42 U.S.C.A. § 5106g(2) (West Supp. 1998)

Electronic copies of this publication may be downloaded at www.childwelfare.gov/systemwide/laws_policies/statutes/define.cfm

To find statute information for a particular State, go to www.childwelfare.gov/systemwide/laws_policies/search/index.cfm

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at www.childwelfare.gov/systemwide/laws_policies/statutes/defineall.pdf



Types of Abuse

The term sexual abuse includes:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or
- The rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.²

Each State, U.S. territory, and the District of Columbia provides its own definitions of child abuse and neglect. As applied to reporting statutes, these definitions determine the grounds for State intervention in the protection of a child's³ well-being. Definitions vary among States. For example, some States define child abuse and neglect as a single concept, while others provide separate definitions for physical abuse, neglect, sexual abuse, and/or emotional abuse.

Physical Abuse

All States and territories provide definitions for physical abuse. The term is generally defined as any nonaccidental physical injury to the child, and can include striking, kicking, burning, or biting the child, or any action that results in a physical impairment of the child.

Substance Abuse

Substance abuse is an element of the definition of child abuse or neglect in some States.⁴ Circumstances that can be considered abuse or neglect include:

- Manufacture of a controlled substance in the presence of child or on the premises occupied by a child⁵

² 42 U.S.C.A. § 5106g(4) (West Supp. 1998)

³ The term "child" means a person who has not attained the age of 18 years.

⁴ For a more complete discussion of this issue, see the Information Gateway publication *Parental Drug Use as Child Abuse*, at www.childwelfare.gov/systemwide/laws_policies/statutes/drugexposed.cfm.

⁵ Colorado, Indiana, Iowa, Montana, South Dakota, Tennessee, and Virginia

- Allowing a child to be present where the chemicals or equipment for the manufacture of controlled substances are used or stored⁶
- Selling, distributing, or giving drugs or alcohol to a child⁷
- Use of a controlled substance by a caregiver that impairs the caregiver's ability to adequately care for the child⁸
- Exposure of the child to drug paraphernalia,⁹ the criminal sale or distribution of drugs,¹⁰ or drug-related activity¹¹

Neglect

Neglect is also addressed in the statutes of all States and territories, either in a separate definition, or as a type of abuse. Neglect is frequently defined in terms of deprivation of adequate food, clothing, shelter, or medical care. Several States distinguish between failure to provide based on the financial inability to do so and the failure to provide for no apparent financial reason. The latter constitutes neglect.

Sexual Abuse/Exploitation

All States include sexual abuse in their definitions. Some States refer in general terms to sexual abuse, while others specify various acts as sexual abuse. Sexual exploitation is an element of the definition of sexual abuse in most jurisdictions. Sexual exploitation includes allowing the child to engage in prostitution or in the production of child pornography.

Emotional Abuse

All States and territories except Georgia and Washington include emotional maltreatment as part of their definitions of abuse or neglect. Approximately¹² 22 States,¹³ the District of Columbia, the Northern Mariana Islands, and Puerto Rico provide specific definitions of emotional abuse or mental injury to a child. Typical

⁶ Arizona and New Mexico

⁷ Florida, Hawaii, Illinois, Minnesota, and Texas

⁸ Kentucky, New York, Rhode Island, and Texas

⁹ North Dakota

¹⁰ Montana and Virginia

¹¹ District of Columbia

¹² The word *approximately* is used to stress the fact that the States frequently amend their laws, so this information is current only through January 2005.

¹³ Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kentucky, Maine, Maryland, Minnesota, Montana, Nevada, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Wisconsin, and Wyoming

language used in these definitions is “injury to the psychological capacity or emotional stability of the child as evidenced by an observable or substantial change in behavior, emotional response, or cognition,” or as evidenced by “anxiety, depression, withdrawal, or aggressive behavior.”

Abandonment

Many States and territories now provide definitions for child abandonment in their reporting laws. Approximately 18 States¹⁴ and the District of Columbia include abandonment in their definition of neglect, while 13 States,¹⁵ American Samoa, Guam, Puerto Rico, and the Virgin Islands provide separate definitions for establishing abandonment. In general, it is considered abandonment of the child when the parent’s identity or whereabouts are unknown, the child has been left by the parent in circumstances where the child suffers serious harm, or the parent has failed to maintain contact with the child or to provide reasonable support for a specified period of time.

Standards for Reporting

The standard for what constitutes an abusive act varies among the States. Many States define abuse in terms of *harm* or *threatened harm* to a child’s health or welfare. Other standards commonly seen include *acts or omissions*, *recklessly fails or refuses to act*, *willfully causes or permits*, and *failure to provide*. These standards guide mandatory reporters in their decision on whether to make a report to child protective services.

Persons Responsible for the Child

In addition to defining the acts or omissions that constitute child abuse or neglect, several statutes provide specific definitions of the persons who are reportable under the civil child abuse reporting laws to child protective services as perpetrators of abuse and neglect. These are persons who have some relationship or regular responsibility for the child. This generally includes parents, guardians, foster parents, relatives, or other caretakers responsible for the child’s welfare.

¹⁴ Colorado, Connecticut, Florida, Illinois, Kentucky, Louisiana, Minnesota, Nevada, New Jersey, North Carolina, Oklahoma, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wyoming

¹⁵ Arizona, Arkansas, Idaho, Indiana, Kansas, Maine, Montana, New Hampshire, New Mexico, New York, North Dakota, Ohio, and South Carolina

Exceptions

A number of States provide exceptions in their reporting laws, which exempt certain acts or omissions from their statutory definitions of child abuse and neglect. For instance, in six States¹⁶ and the District of Columbia, financial inability to provide for a child is exempted from the definition of neglect. In 14 States,¹⁷ the District of Columbia, American Samoa, and the Northern Mariana Islands, physical discipline of a child, as long as it is reasonable and causes no bodily injury to the child, is an exception to the definition of abuse.

The Child Abuse Prevention and Treatment Act Amendments of 1996 added new provisions specifying that nothing in the Act be construed as establishing a Federal requirement that a parent or legal guardian provide any medical service or treatment that is against the religious beliefs of the parent or legal guardian (42 U.S.C. § 5106i). At the State level, civil child abuse reporting laws may provide an exception to the definition of child abuse and neglect for parents who choose not to seek medical care for their children due to religious beliefs.

Approximately 30 States,¹⁸ the District of Columbia, and Guam provide an exemption from the definition of neglect for parents who choose not to seek medical care for their children due to religious beliefs, while 3 States¹⁹ specifically provide an exception for Christian Science treatment. However, 17 of these States²⁰ authorize the court to order medical treatment for the child when the child's condition warrants intervention, and 4 States²¹ require mandated reporters to report instances when a child is not receiving medical care so that an investigation can be made.

¹⁶ Arkansas, Florida, Louisiana, Pennsylvania, West Virginia, and Wisconsin

¹⁷ Arkansas, Colorado, Florida, Georgia, Indiana, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Oregon, South Carolina, Texas, and Washington.

¹⁸ Alabama, Alaska, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Ohio, Oklahoma, Pennsylvania, Vermont, Virginia, and Wyoming

¹⁹ Arizona, Connecticut, and Washington

²⁰ Alabama, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nevada, Ohio, Oklahoma, and Pennsylvania

²¹ Michigan, Missouri, Ohio, and Oklahoma

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

Alabama**Physical Abuse****§ 26-14-1(1)-(3)**

Abuse means harm or threatened harm to the health or welfare of a child through:

- Nonaccidental physical injury
- Sexual abuse or attempted sexual abuse
- Sexual exploitation or attempted sexual exploitation

Neglect**§ 26-14-1(1)-(3)**

Neglect means negligent treatment or maltreatment of a child, including the failure to provide adequate food, clothing, shelter, medical treatment, or supervision.

Sexual Abuse**§ 26-14-1(1)-(3)**

Sexual abuse includes:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct
- Any simulation of the conduct for the purpose of producing any visual depiction of the conduct
- The rape, molestation, prostitution, or other form of sexual exploitation of children
- Incest with children

Sexual exploitation includes:

- Allowing, permitting, or encouraging a child to engage in prostitution
- Allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes

Emotional Abuse**§ 26-14-1(1)-(3)**

Abuse includes nonaccidental mental injury.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 26-14-1(1)-(3)**

Harm or threatened harm to a child's health or welfare

Persons Responsible for the Child**§ 26-14-7.2**

Parent or legal guardian

Exceptions**§ 26-14-7.2**

- A parent who fails to provide medical treatment to a child due to religious beliefs shall not be considered negligent for that reason alone.
- This exception shall not preclude a court from ordering that medical services be provided.

Alaska**Physical Abuse****§ 47.17.290**

Child abuse or neglect means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 years by a person under circumstances that indicate that the child's health or welfare is harmed or threatened.

Neglect**§ 47.17.290**

Neglect means the failure by a person responsible for the child's welfare to provide necessary food, care, clothing, shelter, or medical attention for a child.

Sexual Abuse**§ 47.17.290**

- *Child abuse or neglect* includes sexual abuse or sexual exploitation.
- *Sexual exploitation* includes the following conduct by a person responsible for the child's welfare:
 - » Allowing, permitting, or encouraging a child to engage in prostitution
 - » Allowing, permitting, or encouraging a child to engage in actual or simulated activities of a sexual nature that are prohibited by criminal statute

Emotional Abuse**§ 47.17.290**

Mental injury means a serious injury to the child as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner and the existence of that impairment is supported by the opinion of a qualified expert witness.

Abandonment

Not addressed by statutes reviewed

Standards for Reporting**§ 47.17.290**

- Harm or threatened harm
- Acts or omissions

Persons Responsible for the Child**§ 47.17.290**

A person responsible for the child's welfare includes:

- The child's parent, guardian, or foster parent
- A person responsible for the child's care at the time of the alleged child abuse or neglect
- A person responsible for the child's welfare in a public or private residential agency or institution

Exceptions**§ 47.17.020(d)**

A religious healing practitioner is not required to report as neglect the provision of medical treatment solely by spiritual means through prayer.

American Samoa**Physical Abuse****§ 45.2001(a)(1)**

Abuse or child abuse or neglect means an act or omission that can include:

- Serious bruising, bleeding, malnutrition, failure to thrive, burns, fracture of a bone, subdural hematoma, soft tissue swelling, or death
- The condition or death is not justifiably explained, or where the history given concerning the condition or death is at variance with the degree or type of condition or death, or circumstances indicate that the condition or death may not be the product of an accidental occurrence

Neglect**§§ 45.2001(a)(1); 46.3810**

Abuse or child abuse or neglect means any case in which the child's parents, legal guardians, custodians, or any other person responsible for the child's health and welfare fail to take action to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

Endangering the welfare of a child includes:

- Acts that create a substantial risk to the life, body, or health of a child less than 18 years old
- Any conduct that causes or tends to cause a substantial risk to the life, body, or health of the child
- Failure or refusal of the parent to exercise reasonable diligence in the care or control of the child to prevent a substantial risk to the life, body, or health of the child

Sexual Abuse**§ 45.2001(a)(1)**

Abuse or child abuse or neglect means an act or omission that can include when a child is:

- Subject to sexual offenses, including rape, sexual assault, sexual abuse, or indecent exposure
- Allowed, permitted, or encouraged to engage in prostitution
- Allowed, permitted, or encouraged to be the subject of obscene or pornographic photographing, filming, or depicting

Emotional Abuse**§ 45.2001(a)(1)**

Abuse or child abuse or neglect includes mental injury.

Abandonment**§ 46.3805**

A person commits the crime of *abandonment of a child* if, as a parent, guardian, or other person legally charged with the care or custody of a child less than 8 years old, he or she leaves the child in any place with the purpose wholly to abandon him or her, under circumstances that may result in serious physical injury, illness, or death.

Standards for Reporting**§§ 45.2001(a)(1); 46.3810**

- Seriously threatening the health or welfare of a child
- Knowingly acts
- Recklessly fails or refuses to act

Persons Responsible for the Child**§§ 45.2001(a)(1); 46.3805**

- Parent or guardian
- Other person legally charged with the custody or care of a child
- A person responsible for the child's health and welfare

Exceptions**§ 45.2001(a)(1)**

- Those investigating child abuse must take into account accepted child-rearing practices of the culture in which the child participates.
- Reasonable exercise of parental discipline is not considered abuse.

Arizona**Physical Abuse****§§ 8-201; 13-3623**

Abuse means:

- Inflicting or allowing the infliction of physical injury, impairment of bodily function, or disfigurement
- Permitting a child to enter or remain in any structure in which chemicals or equipment used for the manufacture of a dangerous drug is found

Neglect**§ 8-201**

Neglect or neglected means the inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare.

Sexual Abuse**§ 8-201**

Abuse shall include:

- Inflicting or allowing sexual abuse
- Sexual conduct with a minor
- Sexual assault
- Molestation of a child
- Commercial sexual exploitation of a minor
- Sexual exploitation of a minor
- Incest
- Child prostitution

Emotional Abuse**§ 8-201**

Abuse means the infliction of or allowing another person to cause serious emotional damage to the child, as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior, and such emotional damage is diagnosed by a medical doctor or psychologist, and the damage has been caused by the acts or omissions of an individual having care, custody, and control of a child.

Abandonment**§ 8-201**

- Abandoned means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision.
- Abandoned includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child.
- Failure to maintain a normal parental relationship with the child without just cause for a period of 6 months shall constitute prima facie evidence of abandonment.

Standards for Reporting**§ 8-201**

- Inflicting or allowing
- Inability or unwillingness

Persons Responsible for the Child**§ 8-201**

- Parent
- A person having care, custody, and control of a child

Exceptions**§ 8-201**

- A dependent child does not include a child who, in good faith, is being furnished Christian Science treatment by a duly accredited practitioner.
- A child is not considered neglected if a parent's inability to meet the needs of the child is due solely to the unavailability of reasonable services.

Arkansas**Physical Abuse****§ 12-12-503**

Abuse means any of the following acts or omissions:

- Extreme or repeated cruelty to a juvenile
- Engaging in conduct that creates a realistic and serious threat of death, permanent or temporary disfigurement, or impairment of any bodily organ
- Any injury that is at variance with the history given
- Any nonaccidental physical injury
- Any of the following intentional or knowing acts, with physical injury and without justifiable cause:
 - » Throwing, kicking, burning, biting, or cutting the child
 - » Striking a child with a closed fist
 - » Shaking a child
 - » Striking a child on the face

Severe maltreatment means acts or omissions that may or do result in death, abuse involving the use of a deadly weapon, bone fracture, internal injuries, burns, immersions, suffocation, medical diagnosis of failure to thrive, or causing a substantial and observable change in the behavior or demeanor of the child.

Neglect**§ 12-12-503**

Neglect means those acts or omissions that constitute:

- Failure or refusal to prevent the abuse of the juvenile when such person knows or has reasonable cause to know the juvenile is or has been abused
- Failure or refusal to provide necessary food, clothing, shelter, education, or medical treatment necessary for the juvenile's well-being
- Failure to take reasonable action to protect the juvenile from abandonment, abuse, sexual abuse, sexual exploitation, neglect, or parental unfitness where the existence of such condition was known or should have been known
- Failure or irremediable inability to provide for the essential and necessary physical, mental, or emotional needs of the juvenile
- Failure to provide for the juvenile's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care
- Failure, although able, to assume responsibility for the care and custody of the juvenile or to participate in a plan to assume such responsibility
- Failure to appropriately supervise the juvenile that results in the juvenile's being left alone at an inappropriate age or in inappropriate circumstances that put the juvenile in danger

Sexual Abuse**§ 12-12-503**

Sexual abuse means:

- Sexual intercourse, deviate sexual activity, or sexual contact by forcible compulsion
- Attempted sexual intercourse, deviate sexual activity, or sexual contact
- Indecent exposure
- Forcing, permitting, or encouraging the watching of pornography or live sexual activity

Sexual exploitation means allowing, permitting, or encouraging participation or depiction of the juvenile in prostitution, obscene photographing, filming, or obscenely depicting a juvenile for any use or purpose.

Emotional Abuse**§ 12-12-503**

Abuse means acts or omissions that result in injury to a juvenile's intellectual, emotional, or psychological development, as evidenced by observable and substantial impairment of the juvenile's ability to function within the juvenile's normal range of performance and behavior.

Abandonment**§ 12-12-503**

Abandonment means:

- Failure of the parent to provide reasonable support and to maintain regular contact with the juvenile through statement or contact, when the failure is accompanied by an intention on the part of the parent to permit the condition to continue for an indefinite period in the future
- Failure to support or maintain regular contact with the juvenile without just cause
- An articulated intent to forego parental responsibility

Standards for Reporting**§ 12-12-503**

- Intentionally
- Knowingly
- Without justifiable cause

Persons Responsible for the Child**§ 12-12-503**

- Parent, guardian, or custodian
- Foster parent
- Any person age 18 years or older living in the child's home
- Any person who is entrusted with the child's care

Exceptions**§ 12-12-503**

- Abuse does not include reasonable and moderate physical discipline.
- It is not considered neglect when the parent's failure to provide for the child's needs is due to financial inability, and no services have been offered.

California**Physical Abuse****Penal Code §§ 11165.6; 11165.3**

Child abuse or neglect includes:

- Physical injury inflicted by other than accidental means upon a child by another person
- Willful harming or injury of the child or the endangering of the person or health of the child
- Unlawful corporal punishment or injury

Willful harming or injuring of a child or the endangering of the person or health of a child means a situation in which any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation in which his or her person or health is endangered.

Neglect**Penal Code § 11165.2**

Neglect means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

Severe neglect means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. Severe neglect also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, including the intentional failure to provide adequate food, clothing, shelter, or medical care.

General neglect means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

Sexual Abuse**Penal Code § 11165.1**

- *Sexual abuse* means sexual assault or sexual exploitation as defined below:
- *Sexual assault* includes rape, statutory rape, rape in concert, incest, sodomy, lewd or lascivious acts upon a child, oral copulation, sexual penetration, or child molestation.
- *Sexual exploitation* refers to any of the following:
 - » Depicting a minor engaged in obscene acts; preparing, selling, or distributing obscene matter that depicts minors; employing a minor to perform obscene acts
 - » Knowingly permitting or encouraging a child to engage in, or assisting others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct
 - » Depicting a child in, or knowingly developing, duplicating, printing, or exchanging any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct

Emotional Abuse**Penal Code § 11166.05**

Serious emotional damage is evidenced by states of being or behavior including, but not limited to, severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**Penal Code §§ 11165.2; 11165.6**

- Willfully causes or permits
- Inflicted by nonaccidental means

Persons Responsible for the Child**Penal Code § 11165.1**

Person responsible for a child's welfare means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.

Exceptions**Penal Code §§ 11165.2; 11165.6**

- A child not receiving specific medical treatment for religious reasons is not considered neglected.
- Informed and appropriate medical decisions made by a parent, after consultation with a physician, do not constitute neglect.
- Child abuse or neglect does not include a mutual affray between minors.

Colorado**Physical Abuse****§ 19-1-103**

Abuse or child abuse or neglect means an act or omission in one of the following categories that threatens the health or welfare of a child:

- Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either:
 - » Such condition or death is not justifiably explained
 - » The history given concerning such condition is at variance with the degree or type of such condition or death
 - » The circumstances indicate that such condition may not be the product of an accidental occurrence
- Any case in which, in the presence of a child, on the premises where a child is found, or where a child resides, a controlled substance is manufactured

Neglect**§§ 19-1-103; 19-3-102**

Child abuse or neglect includes any case in which a child is a child in need of services because the child's parent has failed to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

A child is *neglected or dependent* if:

- The child has been subjected to mistreatment or abuse, or a parent, guardian, or legal custodian has allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring.
- The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian.
- The child's environment is injurious to his or her welfare.
- A parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his or her health, guidance, or well-being.
- A parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse.
- The parent, guardian, or legal custodian has been the respondent in another proceeding in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such abuse or neglect has caused the death of another child.
- The pattern of habitual abuse and the type of abuse pose a current threat to the child.

Sexual Abuse**§ 19-1-103**

- *Abuse or child abuse or neglect* means any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution.
- *Sexual conduct* means any of the following:
 - » Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals
 - » Penetration of the vagina or rectum by any object
 - » Masturbation
 - » Sexual sadomasochistic abuse

Emotional Abuse**§ 19-1-103**

- *Abuse or child abuse or neglect* means any case in which a child is subjected to emotional abuse.
- *Emotional abuse* means an identifiable and substantial impairment or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

Abandonment**§ 19-1-103**

A child is *neglected or dependent* if a parent, guardian, or legal custodian has abandoned the child.

Standards for Reporting**§ 19-1-103**

Threatens the child's health or welfare

Persons Responsible for the Child**§ 19-1-103**

- *Responsible person* means a child's parent, legal guardian, custodian, or any other person responsible for the child's health and welfare.
- *Spousal equivalent* means a person who is in a family-type living arrangement with a parent and who would be a stepparent if married to that parent.

Exceptions**§§ 19-1-103; 19-3-103**

- Those investigating cases of child abuse shall take into account child-rearing practices of the culture in which the child participates.
- The reasonable exercise of parental discipline is not considered abuse.
- No child who, in lieu of medical treatment, is under treatment solely by spiritual means through prayer in accordance with a recognized method of religious healing shall, for that reason only, be considered neglected.
 - » The religious rights of the parent shall not limit the access of a child to medical care in a life-threatening situation.

Connecticut**Physical Abuse****§ 46b-120**

Abused means that a child or youth:

- Has been inflicted with physical injury or injuries by other than accidental means
- Has injuries that are at variance with the history given of them
- Is in a condition that is the result of maltreatment such as, but not limited to, cruel punishment

Neglect**§ 46b-120**

- A *neglected* child or youth is one who:
 - » Is being denied proper care and attention, physically, educationally, emotionally, or morally
 - » Is being permitted to live under conditions, circumstances, or associations injurious to the well-being of the child or youth
 - » Has been abused
- *Abuse* includes:
 - » Deprivation of necessities
 - » Malnutrition

Sexual Abuse**§ 46b-120**

Abuse includes sexual molestation or exploitation.

Emotional Abuse**§ 46b-120**

Abuse includes emotional maltreatment.

Abandonment**§ 46b-120**

Neglect includes abandonment.

Standards for Reporting**§ 46b-120**

Inflicted by nonaccidental means

Persons Responsible for the Child

Not specified in statute

Exceptions**§ 46b-120**

The treatment of any child by an accredited Christian Science practitioner, in lieu of treatment by a licensed practitioner of the healing arts, shall not of itself constitute neglect or maltreatment.

Delaware**Physical Abuse****Tit. 16, § 902**

Abuse shall mean any physical injury to a child by those responsible for the care, custody, and control of the child through unjustified force, emotional abuse, torture, criminally negligent treatment, sexual abuse, exploitation, maltreatment, or mistreatment.

Neglect**Tit. 16, § 902**

Neglect shall mean the failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary education, nutrition, medical, surgical, or any other care necessary for the child's well-being.

Sexual Abuse**Tit. 16, § 902**

Abuse includes sexual abuse and exploitation.

Emotional Abuse**Tit. 16, § 902**

Abuse includes emotional abuse.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**Tit. 16, § 902**

- Injury through unjustified force
- Failure to provide

Persons Responsible for the Child**Tit. 16, § 902**

Those responsible for the care, custody, and control of the child shall include, but not be limited to:

- The parents, guardian, or custodian
- Other members of the child's household
- Adults within the household who have responsibility for the child's well-being
- Persons who have temporary responsibility for the child's well-being

Exceptions**Tit. 16, § 913**

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the practices of a recognized church or religious denomination shall for that reason alone be considered neglected.

District of Columbia**Physical Abuse****§ 16-2301**

Abused, when used in reference to a child, means:

- Infliction of physical or mental injury upon the child
- Sexual abuse or exploitation of a child

The term *discipline* does not include:

- Burning, biting, or cutting a child
- Striking a child with a closed fist
- Inflicting injury to a child by shaking, kicking, or throwing the child
- Nonaccidental injury to a child under the age of 18 months
- Interfering with a child's breathing
- Threatening a child with a dangerous weapon or using such a weapon on a child

Neglect
§ 16-2301

Neglected child means a child:

- Whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child
- Who is without proper parental care or control, subsistence, education, or other care or control necessary for his or her physical, mental, or emotional health
- Whose parent, guardian, or other custodian is unable to discharge his or her responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity
- Whose parent, guardian, or custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution providing for the child states an intention to discontinue such care
- Who is in imminent danger of being abused and another child living in the same household has been abused
- Who has received negligent treatment or maltreatment
- Who has resided in a hospital located in the District of Columbia for at least 10 calendar days following the birth of the child, despite a medical determination that the child is ready for discharge from the hospital, and the parent has not taken any action or made any effort to maintain a parental, guardianship, or custodial relationship or contact with the child
- Who is born addicted or dependent on a controlled substance or has a significant presence of a controlled substance in his or her system at birth
- In whose body there is a controlled substance as a direct and foreseeable consequence of the acts or omissions of the child's parent
- Who is regularly exposed to illegal drug-related activity in the home

Negligent treatment or maltreatment means failure to provide adequate food, clothing, shelter, or medical care that includes medical neglect, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or other custodian.

Sexual Abuse
§ 16-2301

Sexual abuse means:

- Engaging in, or attempting to engage in, a sexual act or sexual contact with a child
- Causing or attempting to cause a child to engage in sexually explicit conduct
- Exposing the child to sexually explicit conduct

Sexual exploitation means a parent, guardian, or other custodian allows a child to engage in prostitution, or engages a child or allows a child to engage in obscene or pornographic photography, filming, or other forms of illustrating or promoting sexual conduct.

Emotional Abuse
§ 16-2301

Mental injury means harm to a child's psychological or intellectual functioning that may be exhibited by severe anxiety, depression, withdrawal, outwardly aggressive behavior, or a combination of those behaviors, and that may be demonstrated by a change in behavior, emotional response, or cognition.

Abandonment
§ 16-2301

Neglect means a child who has been abandoned by his or her parent, guardian, or custodian.

Standards for Reporting**§ 16-2301**

- Inflicts
- Fails to make reasonable efforts to prevent

Persons Responsible for the Child**§ 16-2301**

Parent, guardian, or custodian

Exceptions**§ 16-2301**

- It is not neglect when the child's deprivation of parental care and control is due to a lack of financial means.
- No child who in good faith is under treatment solely by spiritual means through prayer, in accordance with the practices of a recognized church or religious denomination by a duly accredited practitioner, shall for that reason alone be considered neglected.
- The term abused does not include parental discipline, as long as the discipline is reasonable in manner and moderate in degree.

Florida**Physical Abuse****§ 39.01**

Abuse means any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired.

Harm to a child's health or welfare can occur when any person inflicts or allows to be inflicted upon the child physical, mental, or emotional injury, and can include:

- Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury
- Inappropriate or excessively harsh discipline
- Exposure to a controlled substance or alcohol
- Engaging in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child

Neglect**§ 39.01**

- *Neglect* occurs when:
 - » A child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment.
 - » A child is permitted to live in an environment when such deprivation or environment causes a child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired.
- Neglect of a child includes acts or omissions.
- *Harm* to a child's health or welfare can occur by leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition.

Sexual Abuse**§ 39.01**

Sexual abuse of a child means one or more of the following acts:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen
- Any sexual contact or intentional touching between the genitals or anal opening of one person and the mouth or tongue of another person
- The intentional masturbation of the perpetrator's genitals in the presence of a child
- The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose
- The sexual exploitation of a child, that includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution, or engage in a sexual performance

Emotional Abuse**§ 39.01**

Mental injury means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the ability to function within the normal range of performance and behavior.

Abandonment**§ 39.01**

Harm to a child can occur when any person abandons a child.

Standards for Reporting**§ 39.01**

- Inflicts or allows to be inflicted
- Negligently fails
- Willful or threatened act

Persons Responsible for the Child**§ 39.01**

- *Caregiver* means the parent, legal custodian, adult household member, or other person responsible for a child's welfare.
- *Other person responsible for a child's welfare* includes:
 - » The child's legal guardian, legal custodian, or foster parent
 - » An employee of a private school, public or private child daycare center, residential home, institution, facility, or agency
 - » Any other person legally responsible for the child's welfare in a residential setting
 - » An adult sitter or relative entrusted with a child's care

Exceptions**§ 39.01**

- Corporal discipline of a child by a parent does not in itself constitute abuse when it does not result in harm to the child.
- It shall not be considered neglect if failure to provide for the child is caused primarily by financial inability unless actual services for relief have been offered to and rejected by the parent.
- A parent legitimately practicing religious beliefs in accordance with a recognized church or religious organization who does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent.
 - » Such an exception does not preclude a court from ordering medical services or other treatment to be provided, when the health of the child so requires.

Georgia**Physical Abuse****§ 19-7-5(b)**

Child abuse means physical injury or death inflicted upon a child by a parent or caretaker by other than accidental means.

Neglect**§ 19-7-5(b)**

Child abuse means neglect or exploitation of a child by a parent or caretaker.

Sexual Abuse**§ 19-7-5(b)**

Sexual abuse means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act that involves:

- Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex
- Bestiality or masturbation
- Lewd exhibition of the genitals or pubic area of any person
- Flagellation or torture by or upon a person who is nude
- Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude
- Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts
- Defecation or urination for the purpose of sexual stimulation
- Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure

Sexual exploitation means conduct by a child's parent or caretaker who allows, permits, encourages, or requires that child to engage in prostitution or sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct.

Emotional Abuse

Not addressed in statutes reviewed

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 19-7-5(b)**

Inflicted by nonaccidental means

Persons Responsible for the Child**§ 19-7-5(b)**

Parent or caretaker

Exceptions**§ 19-7-5(b)**

- Physical forms of discipline may be used as long as there is no physical injury to the child.
- No child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an abused child.
- Sexual abuse does not include consensual sex acts between persons of the opposite sex who are minors or a minor and adult who is no more than 5 years older.

Guam**Physical Abuse****Tit. 19, § 13101**

Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person or persons responsible for the child's welfare.

Harm to a child's physical health or welfare occurs in a case where there exists evidence of injury, including but not limited to:

- Any case where the child exhibits evidence of skin bruising or any other internal bleeding, any injury to skin causing bleeding, burns, poisoning, fracture of any bone, subdural hematoma, soft tissue swelling, extreme pain, or death
- Disfigurement or impairment of any bodily organ, and such injury is inflicted by other than accidental means, by excessive corporal punishment or where the history given concerning such condition or death is at variance with the degree or type of such condition or death
- Any case where the child is provided with a controlled substance, except for drugs prescribed by a medical practitioner

Neglect**Tit. 19, § 13101**

Abused or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person or persons responsible for the child's welfare.

Harm to a child's physical health or welfare can include any case where the physical health of the child is adversely affected because the person responsible for the child's welfare has not regularly provided the child, in a timely manner, with adequate food, clothing, shelter, psychological care, physical care, health care, or supervision, when financially able to do so or if offered financial assistance, health care, or other reasonable means to do so.

Sexual Abuse**Tit. 19, § 13101**

Harm to a child's physical health or welfare occurs in a case where there exists evidence of injury, including but not limited to any case where the child has been the victim of a sexual offense, as defined in the Criminal and Correctional Code.

Emotional Abuse**Tit. 19, § 13101**

Abused or neglected child means a child whose mental health or welfare is harmed or threatened with harm by the acts or omissions of the person or persons responsible for the child's welfare.

Harm means any case where there exists injury to the psychological capacity of a child such as failure to thrive, extreme mental distress, or gross emotional or verbal degradation, as is evidenced by an observable and substantial impairment in the child's ability to function within a normal range of performance with due regard to the child's culture.

Abandonment**Tit. 19, § 13101**

- *Abandonment* means the desertion or willful forsaking of a minor by the person responsible for the child's welfare under circumstances in which a reasonable person would continue to provide care or custody.
- *Harm* includes any case where the child has been abandoned.

Standards for Reporting**Tit. 19, § 13101**

- Harm or threatened harm
- Inflicts by other than accidental means

Persons Responsible for the Child**Tit. 19, § 13101**

Person responsible for the child's welfare includes:

- The child's parent, guardian, or foster parent
- An employee of a public or private residential home or an institution or authorized agency responsible for the child's welfare

Exceptions**Tit. 19, § 13101**

A parent who, while legitimately practicing his or her religious beliefs, does not specify medical care for the child, should not for that reason alone be considered as harming or threatening harm to the child.

Hawaii**Physical Abuse****§ 350-1**

Child abuse or neglect means the acts or omissions that have resulted in the physical health or welfare of the child, who is under the age of 18 years, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed. The acts or omissions are indicated for the purposes of reports by circumstances that include but are not limited to:

- When the child exhibits evidence of any of the following injuries, and such injury is not justifiably explained, or when the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicate that such condition or death may not be the product of an accidental occurrence:
 - » Substantial or multiple skin bruising or any other internal bleeding
 - » Any injury to skin causing substantial bleeding
 - » Malnutrition or failure to thrive
 - » Burns or poisoning
 - » Fracture of any bone
 - » Subdural hematoma or soft tissue swelling
 - » Extreme pain or mental distress
 - » Gross degradation
 - » Death
- When the child is provided with dangerous, harmful, or detrimental drugs; provided that this paragraph shall not apply when such drugs are provided to the child pursuant to the direction or prescription of a practitioner

Neglect**§ 350-1**

Child neglect means when the child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision.

Sexual Abuse**§ 350-1**

Child abuse or neglect means when the child has been the victim of:

- Sexual contact or conduct including, but not limited to, sexual assault
- Molestation or sexual fondling
- Incest
- Prostitution
- Obscene or pornographic photographing, filming, or depiction, or other similar forms of sexual exploitation

Emotional Abuse**§ 350-1**

Child abuse or neglect includes the acts or omissions that have resulted in injury to the psychological capacity of a child as is evidenced by an observable and substantial impairment in the child's ability to function.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 350-1**

Harm or substantial risk of harm

Persons Responsible for the Child**§ 350-1**

Any person who, or legal entity that, is:

- In any manner or degree related to the child
- Residing with the child
- Otherwise responsible for the child's care

Exceptions

None specified in statute

Idaho**Physical Abuse****§ 16-1602**

Abused means any case in which a child has been the victim of conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive, or death, and such condition or death is not justifiably explained, the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence.

Neglect**§ 16-1602**

Neglected means a child:

- Who is without proper parental care and control, subsistence, education, medical, or other care necessary for his well-being because of the conduct or omission of his parents, guardian, or other custodian, or their neglect or refusal to provide them
- Whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child and, as a result of such inability, the child lacks the parental care necessary for his health, safety, or well-being
- Who has been placed for care or adoption in violation of the law

Sexual Abuse**§ 16-1602**

Abused means any case in which a child has been the victim of sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health, welfare, or mental injury to the child.

Emotional Abuse**§ 16-1602**

Mental injury means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior, for short or long terms.

Abandonment**§ 16-1602**

Abandoned means the failure of the parent to maintain a normal parental relationship with his child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of 1 year shall constitute prima facie evidence of abandonment.

Standards for Reporting**§ 16-1602**

Conduct or omission

Persons Responsible for the Child**§ 16-1602**

Parent, guardian, or other custodian

Exceptions**§ 16-1602**

- No child whose parent chooses for the child treatment by prayers through spiritual means alone in lieu of medical treatment shall be deemed for that reason alone to be neglected.
- The subsection shall not prevent the court from ordering emergency medical treatment when the child's life is endangered.

Illinois**Physical Abuse****Ch. 325, § 5/3**

Abused child means a child whose parent, immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child, or a paramour of the child's parent:

- Inflicts, causes or allows to be inflicted, or creates a substantial risk of physical injury, by other than accidental means, that causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function
- Commits or allows to be committed an act or acts of torture upon the child
- Inflicts excessive corporal punishment
- Commits or allows to be committed the offense of female genital mutilation
- Causes to be sold, transferred, distributed, or given to the child under 18 years of age a controlled substance, except for controlled substances that are prescribed and dispensed to the child in accordance with the law

Neglect**Ch. 325, § 5/3**

Neglected child means any child who is:

- Not receiving the proper or necessary nourishment or medically indicated treatment including food or care, not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician, or otherwise is not receiving the proper or necessary support or medical or other remedial care as necessary for a child's well-being
- Not receiving other care necessary for his or her well-being, including adequate food, clothing, and shelter
- A newborn infant whose blood, urine, or meconium contains any amount of a controlled substance or a metabolite thereof

Sexual Abuse**Ch. 325, § 5/3**

Abused child means a child whose parent, immediate family member, any person responsible for the child's welfare, any individual residing in the same home as the child, or a paramour of the child's parent commits or allows to be committed any sex offense against the child.

Emotional Abuse**Ch. 325, § 5/3**

Abused child includes impairment or substantial risk of impairment to the child's emotional health.

Abandonment**Ch. 325, § 5/3**

Neglected child includes a child who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care.

Standards for Reporting**Ch. 325, § 5/3**

- Inflicts, causes to be inflicted, or allows to be inflicted
- Creates a substantial risk of injury
- Commits or allows to be committed

Persons Responsible for the Child**Ch. 325, § 5/3**

Person responsible for the child's welfare means:

- The child's parent, guardian, foster parent, or relative caregiver
- Any person responsible for the child's welfare in a public or private residential agency, institution, or childcare facility
- Any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including an immediate family member, any person residing in the child's home, or a paramour of the child's parent
- Any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy, and volunteers or support personnel in any setting where children may be subject to abuse or neglect

Exceptions**Ch. 325, § 5/3**

A child shall not be considered abused or neglected if:

- The child is a newborn who has been relinquished in accordance with the Abandoned Newborn Infant Protection Act.
- The presence of a controlled substance in a newborn is the result of medical treatment.
- The child has been left in the care of an adult relative.
- The child's parent relies upon spiritual means through prayer for the treatment of disease.
- The child is not attending school as required by the School Act.

Indiana**Physical Abuse****§ 31-34-1-2**

A child is a *child in need of services* if, before the child becomes 18 years of age, the child's physical or mental health is seriously endangered due to injury by the act or omission of the child's parent, guardian, or custodian.

Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttable presumption that the child's physical or mental health is seriously endangered.

Neglect**§§ 31-34-1-1; 31-34-1-9; 31-34-1-10 ; 31-34-1-11**

A child is a *child in need of services* if before the child becomes 18 years of age:

- The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.
- The child is born with fetal alcohol syndrome, or any amount, including a trace amount, of a controlled substance or a legend drug in the child's body.
- The child has an injury, abnormal physical or psychological development, or is at a substantial risk of a life threatening condition that arises or is substantially aggravated because the child's mother used alcohol, a controlled substance, or a legend drug during pregnancy.

A *child in need of services* includes a child with a disability who is deprived of nutrition that is necessary to sustain life or is deprived of medical or surgical intervention that is necessary to remedy or ameliorate a life threatening medical condition, if the nutrition, medical, or surgical intervention is generally provided to similarly situated children with or without disabilities.

Sexual Abuse**§§ 31-34-1-3; 31-34-1-4; 31-34-1-5**

A child is a *child in need of services* if before the child becomes 18 years of age the child is the victim, lives in the same household as another child who was the victim, or lives in the same household as the adult who was convicted of a sex offense as defined in the criminal statutes pertaining to:

- Rape
- Criminal deviate conduct
- Child molesting
- Child exploitation or possession of child pornography
- Child seduction
- Sexual misconduct with a minor
- Indecent exposure
- Prostitution
- Incest

A child is a *child in need of services* if before the child becomes 18 years of age the child's parent, guardian, or custodian allows the child:

- To participate in an obscene performance
- To commit a sex offense prohibited by criminal statute

Emotional Abuse**§ 31-34-1-2**

A child is a *child in need of services* if the child's mental health is seriously endangered by the act or omission of the child's parent, guardian, or custodian.

Abandonment**§ 31-9-2-0.5**

Abandoned infant means:

- A child who is less than 12 months of age and whose parent, guardian, or custodian has knowingly or intentionally left the child in an environment that endangers the child's life or health, or a in hospital or medical facility, and has no reasonable plan to assume the care, custody, and control of the child
- A child who is, or appears to be, not more than 45 days of age and whose parent has knowingly and intentionally left the child with an emergency medical services provider and did not express an intent to return for the child

Standards for Reporting**§§ 31-34-1-1; 31-34-1-2**

- Inability or refusal
- Act or omission

Persons Responsible for the Child**§§ 31-9-2-0.5; 31-34-1-1 through 31-34-1-5**

Child's parent, guardian, or custodian

Exceptions**§§ 31-34-1-12; 31-34-1-14; 31-34-1-15**

A child is not a child in need of services if:

- The presence of a controlled substance was from a valid medical prescription.
- A parent fails to provide specific medical treatment for a child because of legitimate and genuine religious beliefs. This presumption does not do any of the following:
 - » Prevent a court from ordering medical services when the health of the child requires it
 - » Apply to situations in which the child's life or health is in serious danger

This chapter does not limit:

- The right of the parent to use reasonable corporal punishment to discipline the child
- The lawful practice or teaching of religious beliefs

Iowa**Physical Abuse****§ 232.68**

Child abuse or abuse means any nonaccidental physical injury, or injury that is at variance with the history given of it, suffered by a child as the result of acts or omissions of a person responsible for the care of the child.

Neglect**§ 232.68**

Child abuse or abuse means:

- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so
- The presence of an illegal drug in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child
- The person responsible for the care of a child has, in the presence of the child, manufactured a dangerous substance, possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, or salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance

Sexual Abuse**§ 232.68**

Child abuse or abuse means:

- The commission of a sexual offense with or to a child
- Allowing, permitting, or encouraging the child to engage in prostitution
- The commission of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child

Emotional Abuse**§ 232.68**

Child abuse or abuse means any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 232.68**

Acts or omissions

Persons Responsible for the Child**§ 232.68**

Person responsible for the care of a child means:

- A parent, guardian, or foster parent
- A relative or any other person with whom the child resides and who assumes care or supervision of the child, without reference to the length of time or continuity of such residence
- An employee or agent of any public or private facility providing care for a child
- Any person providing care for a child, but with whom the child does not reside, without reference to the duration of care

Exceptions**§ 232.68**

- A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child.
- This provision shall not preclude a court from ordering that medical service be provided to the child where the child's health requires it.

Kansas**Physical Abuse****§ 38-1502**

Physical, mental, or emotional abuse means the infliction of physical, mental, or emotional injury, or the causing of a deterioration of a child, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

Neglect**§ 38-1502**

Neglect means acts or omissions by a parent, guardian, or person responsible for the care of a child resulting in harm to a child or presenting a likelihood of harm and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include but shall not be limited to:

- Failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child
- Failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a likelihood of harm to the child
- Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening

Sexual Abuse**§ 38-1502**

Sexual abuse means any act listed below, committed with a child, regardless of the age of the child:

- Unlawful sexual act
- Rape
- Indecent liberties with a child or aggravated indecent liberties with a child
- Indecent solicitation of a child or aggravated indecent solicitation of a child
- Sexual exploitation of a child
- Aggravated incest

Emotional Abuse**§ 38-1502**

Physical, mental, or emotional abuse means the infliction of physical, mental, or emotional injury or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

Abandonment**§ 38-1502**

Abandon means to forsake, desert, or cease providing care for the child without making appropriate provisions for substitute care.

Standards for Reporting**§ 38-1502**

Acts or omissions

Persons Responsible for the Child**§ 38-1502**

Parent, when used in relation to a child or children, includes a guardian, conservator, and every person who is by law liable to maintain, care for, or support the child.

Exceptions**§ 38-1502**

- A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent.
- This exception shall not preclude a court from ordering medical treatment pursuant to § 38-1513(a)(2).

Kentucky**Physical Abuse****§ 600.020**

Abused or neglected child means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:

- Inflicts or allows to be inflicted upon the child physical or emotional injury by other than accidental means
- Creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means

Physical injury means substantial physical pain or any impairment of physical condition.

Serious physical injury means physical injury that creates a substantial risk of death, causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ.

Neglect**§ 600.020**

Abused or neglected child means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:

- Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to, parental incapacity due to alcohol and other drug abuse
- Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child
- Does not provide the child with adequate care, supervision, food, clothing, shelter, education, or medical care necessary for the child's well-being

Sexual Abuse**§ 600.020**

Abused or neglected child means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child:

- Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child
- Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child

Sexual abuse includes, but is not necessarily limited to, any contacts or interactions in which the parent or guardian uses or allows, permits, or encourages the use of the child for the purposes of sexual stimulation of the perpetrator or another person.

Sexual exploitation includes, but is not limited to, allowing, permitting, or encouraging the child to engage in prostitution, or an act of obscene or pornographic photographing, filming, or depicting of a child.

Emotional Abuse**§ 600.020**

Emotional injury means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his age, development, culture, and environment, as testified to by a qualified mental health professional.

Abandonment**§ 600.020**

Abused or neglected child means a child whose health or welfare is harmed or threatened with harm when his parent, guardian, or other person exercising custodial control or supervision of the child abandons the child.

Standards for Reporting**§ 600.020**

Harm or threatened harm

Persons Responsible for the Child**§ 600.020**

Parent, guardian, or other person exercising custodial care or supervision:

- *Parent* means the biological or adoptive mother or father of a child.
- *Person exercising custodial control and supervision* means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child.

Exceptions**§ 600.020**

- A parent or other person exercising custodial control or supervision of the child, legitimately practicing the person's religious beliefs, shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone.
- This exception shall not preclude a court from ordering necessary medical services for a child.

Louisiana**Physical Abuse****Ch. Code art. 603**

Abuse means any one of the following acts that seriously endanger the physical, mental, or emotional health of the child:

- The infliction, attempted infliction, or, as a result of inadequate supervision, the allowance of the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person
- The exploitation or overwork of a child by a parent or any other person

Crime against the child includes homicide, battery, assault, or cruelty to juveniles.

Neglect**Ch. Code art. 603**

Neglect means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health is substantially threatened or impaired.

Sexual Abuse**Ch. Code art. 603**

Abuse includes any one of the following acts that seriously endanger the physical, mental, or emotional health of the child:

- The involvement of the child in any sexual act with a parent or any other person
- The aiding or toleration by the parent or caretaker of the child's sexual involvement with any other person
- The aiding or toleration by the parent of the child's involvement in pornographic displays
- Any other involvement of a child in sexual activity constituting a crime under the laws of the State

Child pornography means visual depiction of a child engaged in actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the genitals.

Crime against a child includes rape, sexual battery, incest, carnal knowledge of a juvenile, indecent behavior with a juvenile, pornography involving juveniles, or molestation of a juvenile.

Emotional Abuse**Ch. Code art. 603**

Abuse includes any act that seriously endangers the mental or emotional health of the child or inflicts mental injury.

Abandonment**Ch. Code art. 603**

Crime against the child includes criminal abandonment of a child.

Standards for Reporting**Ch. Code art. 603**

- Inflicts or attempts to inflict
- Commits or attempts to commit

Persons Responsible for the Child**Ch. Code art. 603**

Caretaker means any person legally obligated to provide or secure adequate care for a child, including a parent, tutor, guardian, legal custodian, foster home parent, an employee of a public or private daycare center, an operator or employee of a family daycare home, or other person providing a residence for the child.

Exceptions**Ch. Code art. 603**

- The inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect.
- Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated.
 - » Nothing in this section shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health or welfare.

Maine**Physical Abuse****Tit. 22, § 4002**

- *Abuse or neglect* means a threat to a child's health or welfare by physical injury or impairment, by a person responsible for the child.
- *Jeopardy to health or welfare or jeopardy* means serious abuse or neglect, as evidenced by serious harm or threat of serious harm.
- *Serious harm* means serious injury.
- *Serious injury* means serious physical injury or impairment.

Neglect**Tit. 22, § 4002**

- *Abuse or neglect means* a threat to a child's health or welfare by deprivation of essential needs or lack of protection by a person responsible for the child.
- *Jeopardy to health or welfare or jeopardy* means serious abuse or neglect, as evidenced by deprivation of adequate food, clothing, shelter, supervision or care, including health care, when that deprivation causes a threat of serious harm.

Sexual Abuse**Tit. 22, § 4002**

- *Abuse or neglect* means a threat to a child's health or welfare by sexual abuse or exploitation by a person responsible for the child.
- *Serious harm* includes sexual abuse or exploitation.

Emotional Abuse**Tit. 22, § 4002**

Abuse or neglect includes a threat to a child's health or welfare by mental or emotional injury or impairment by a person responsible for the child.

Serious harm includes serious mental or emotional injury or impairment that now, or in the future, is likely to be evidenced by serious mental, behavioral, or personality disorder, including severe anxiety, depression, withdrawal, untoward aggressive behavior, seriously delayed development, or similar serious dysfunctional behavior.

Abandonment**Tit. 22, § 4002**

Abandonment means any conduct on the part of the parent showing an intent to forego parental duties or relinquish parental claims. The intent may be evidenced by:

- Failure, for a period of at least 6 months, to communicate meaningfully or to maintain regular visitation with the child
- Failure to participate in any plan or program designed to reunite the parent with the child
- Deserting the child without affording means of identifying the child and his or her parent or custodian
- Failure to respond to notice of child protective proceedings
- Any other conduct indicating an intent to forego parental duties or relinquish parental claims

Jeopardy to health or welfare or jeopardy includes abandonment of the child or absence of any person responsible for the child that creates a threat of serious harm.

Standards for Reporting**Tit. 22, § 4002**

Threat to a child's health or welfare

Persons Responsible for the Child**Tit. 22, § 4002**

- *Parent* means a natural or adoptive parent, unless parental rights have been terminated.
- *Person responsible for the child* means a person with responsibility for a child's health or welfare, whether in the child's home or another home or facility that, as part of its function, provides for care of the child. This includes the child's custodian.

Exceptions**Tit. 22, § 4010**

A child shall not be considered to be abused or neglected, in jeopardy of health or welfare, or in danger of serious harm solely because treatment is by spiritual means by an accredited practitioner of a recognized religious organization.

Maryland**Physical Abuse****Fam. Law § 5-701**

Abuse means:

- The physical or mental injury of a child by any parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed
- Sexual abuse of a child, whether physical injuries are sustained or not

Neglect**Fam. Law § 5-701**

Neglect means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:

- That the child's health or welfare is harmed or placed at substantial risk of harm
- Mental injury to the child or a substantial risk of mental injury

Sexual Abuse**Fam. Law § 5-701**

- *Sexual abuse* means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member.
- *Sexual abuse* includes incest, rape, sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

Emotional Abuse**Fam. Law § 5-701**

Mental injury means the observable, identifiable, and substantial impairment of a child's mental or psychological ability to function.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**Fam. Law § 5-701**

Harm or substantial risk of harm

Persons Responsible for the Child**Fam. Law § 5-701**

- *Family member* means a relative to the child by blood, adoption, or marriage.
- *Household member* means a person who lives or is a regular presence in a home of a child at the time of the alleged abuse or neglect.

Exceptions

None specified in statute

Massachusetts**Physical Abuse****Ch. 119, § 51A**

- *Injured, abused, or neglected child* means a child under the age of 18 years who is suffering physical injury resulting from abuse inflicted upon him that causes harm or substantial risk of harm to the child's health or welfare.
- *Abuse* means the occurrence of one or more of the following acts between a parent and the other parent or between a parent and the child:
 - » Attempting to cause or causing bodily injury
 - » Placing another in reasonable fear of imminent bodily injury
- *Serious incident of abuse* means the occurrence of one or more of the following acts between a parent and the other parent or between a parent and the child:
 - » Attempting to cause or causing serious bodily injury
 - » Placing another in reasonable fear of imminent serious bodily injury
 - » Causing another to engage involuntarily in sexual relations by force, threat, or duress

Neglect**Ch. 119, § 51A**

Injured, abused, or neglected child means a child under the age of 18 years who is suffering from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth.

Sexual Abuse**Ch. 119, § 51A**

Injured, abused, or neglected child includes sexual abuse.

Emotional Abuse**Ch. 119, § 51A**

Injured, abused, or neglected child means a child under the age of 18 years who is suffering emotional injury resulting from abuse inflicted upon him that causes harm or substantial risk of harm to the child's health or welfare.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**Ch. 119, § 51A**

Harm or substantial risk of harm

Persons Responsible for the Child**Ch. 119, § 21**

Parent

Exceptions

None specified in statute

Michigan**Physical Abuse** **§§ 722.622; 722.628(3)(c)**

- *Child abuse* means harm or threatened harm to a child's health or welfare that occurs through nonaccidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment.
- *Severe physical injury* means brain damage, skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprains, internal injuries, poisoning, burns, scalds, severe cuts, or any other physical injury that seriously impairs the health or physical well-being of a child.

Neglect **§ 722.622**

Child neglect means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person responsible for the child's health or welfare that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care
- Placing a child at an unreasonable risk to the child's health or welfare by failure to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk

Sexual Abuse **§ 722.622**

- *Sexual abuse* means engaging in sexual contact or sexual penetration with a child, as those terms are defined in the penal code.
- *Sexual exploitation* includes allowing, permitting, or encouraging a child to engage in prostitution, or allowing, permitting, encouraging, or engaging in the photographing, filming, or depicting of a child engaged in a sexual act.

Emotional Abuse **§ 722.622**

Child abuse includes mental injury.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting **§ 722.622**

Harm or threatened harm

Persons Responsible for the Child**§ 722.622**

Person responsible for the child's health or welfare means:

- A parent, legal guardian, or any other person responsible for the child's health or welfare
- A teacher, teacher's aide, or a member of the clergy
- A person 18 years of age or older who resides for any length of time in the same home in which the child resides
- A nonparent adult
- An owner, operator, volunteer, or employee of a childcare organization

A *nonparent adult* is a person 18 years of age or older who, regardless of the person's domicile, meets the following criteria in relation to a child:

- Has substantial and regular contact with the child
- Has a close personal relationship with the child's parent

Exceptions**§ 722.634**

- A parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone shall not be considered a negligent parent or guardian.
- This section shall not preclude a court from ordering the provision of medical services or nonmedical remedial services recognized by State law to a child where the child's health requires it, nor does it abrogate the responsibility of a person required to report child abuse or neglect.

Minnesota**Physical Abuse****§ 626.556**

Physical abuse means any physical injury, mental injury, or threatened injury inflicted by a person responsible for the child's care on a child by other than accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures or regulated interventions that have not been authorized by law. Actions considered abuse include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

- Throwing, kicking, burning, biting, or cutting a child
- Striking a child with a closed fist
- Shaking a child under age 3 years
- Striking or other actions that result in any nonaccidental injury to a child under 18 months of age
- Unreasonable interference with a child's breathing
- Threatening a child with a weapon
- Striking a child under age 1 on the face or head
- Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that were not prescribed for the child by a practitioner, in order to control or punish the child; giving the child substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury; or subjecting the child to medical procedures that would be unnecessary if the child were not exposed to the substances
- Unreasonable physical confinement or restraint not permitted by law including, but not limited to, tying, caging, or chaining

Neglect
§ 626.556

Neglect means:

- Failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so
- Failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so
- Failure to provide for necessary supervision or childcare arrangements appropriate for a child after considering such factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care
- Failure to ensure that the child is educated as required by State law, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications
- Prenatal exposure to a controlled substance, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance
- Medical neglect that includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition
- Chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety

Sexual Abuse
§ 626.556

Sexual abuse means the subjection of a child by a person responsible for the child's care, a person who has a significant relationship to the child, or a person in a position of authority to any act that constitutes criminal sexual conduct. Sexual abuse includes any act that involves a minor that constitutes a violation of prostitution offenses. Sexual abuse also includes threatened sexual abuse.

Emotional Abuse
§§ 260C.007; 626.556

Emotional maltreatment means the consistent, deliberate infliction of mental harm on a child by a person responsible for the child's care, that has an observable, sustained, and adverse effect on the child's physical, mental, or emotional development.

Mental injury means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

Neglect includes emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child that may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Abandonment
§ 260C.007

Child in need of protection or services means a child who is in need of protection or services because the child is abandoned or without parent, guardian, or custodian.

Standards for Reporting**§ 626.556**

- Infliction of harm
- Threatened injury
- Failure to provide

Persons Responsible for the Child**§ 626.556**

Person responsible for the child's care means:

- An individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities
- An individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, daycare, babysitting whether paid or unpaid, counseling, teaching, and coaching

Exceptions**§ 626.556**

- A child is not considered neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.
 - » A parent, guardian, caretaker, or a person mandated to report [child abuse or neglect] has a duty to report if a lack of medical care may cause serious danger to the child's health.
- Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury.
- Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by § 121A.582.

Mississippi**Physical Abuse****§ 43-21-105**

Abused child means a child whose parent, guardian, custodian, or any person responsible for his care or support, whether legally obligated to do so or not, has caused or allowed to be caused upon the child nonaccidental physical injury or other maltreatment.

Neglect**§ 43-21-105**

Neglected child means a child:

- Whose parent, guardian, custodian, or any person responsible for his care or support neglects or refuses, when able so to do, to provide for him or her proper and necessary care or support, education as required by law, medical, surgical, or other care necessary for his well-being
- Who is otherwise without proper care, custody, supervision, or support
- Who, for any reason, lacks the special care made necessary for him or her by reason of his or her mental condition, whether said mental condition be mentally retarded or mentally ill
- Who, for any reason, lacks the care necessary for his or her health, morals, or well-being

Sexual Abuse**§ 43-21-105**

- *Abused child* includes sexual abuse or sexual exploitation.
- *Sexual abuse* means obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances that indicate that the child's health or welfare is harmed or threatened.

Emotional Abuse**§ 43-21-105**

Abused child includes emotional abuse or mental injury.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 43-21-105**

Caused or allowed to be caused

Persons Responsible for the Child**§ 43-21-105**

- Parent, guardian, or custodian
- *Any person responsible for care or support* means the person who is providing for the child at a given time. This term shall include, but not be limited to, stepparents, foster parents, relatives, nonlicensed babysitters or other similar persons responsible for a child, and staff of residential care facilities and group homes that are licensed by the department.

Exceptions**§ 43-21-105**

- A parent who withholds medical treatment from any child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall not, for that reason alone, be considered to be neglectful.
- Physical discipline, including spanking, performed on a child by a parent, guardian, or custodian in a reasonable manner shall not be deemed abuse under this section.

Missouri**Physical Abuse****§ 210.110**

Abuse means any physical injury inflicted on a child by other than accidental means by those responsible for the child's care, custody, and control.

Neglect**§ 210.110**

Neglect means failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary support, education as required by law, nutrition, medical, surgical, or any other care necessary for the child's well-being.

Sexual Abuse**§ 210.110**

Abuse includes sexual abuse.

Emotional Abuse**§ 210.110**

Abuse includes emotional abuse inflicted on a child by those responsible for the child's care, custody, and control.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 210.110**

Inflicted by other than accidental means

Persons Responsible for the Child**§ 210.110**

Those responsible for the care, custody, and control of the child includes, but is not limited to:

- The parents or guardian of a child
- Other members of the child's household
- Those exercising supervision over a child for any part of a 24-hour day
- Any adult who, based on relationship to the parents of the child, members of the child's household, or the family, has access to the child

Exceptions**§§ 210.110; 210.115**

- Discipline, including spanking, administered in a reasonable manner, shall not be considered abuse.
- Any child who does not receive specified medical treatment by reason of the legitimate practice of the religious belief of the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not be found to be an abused or neglected child.
 - » The division may accept reports concerning such a child and may subsequently investigate or conduct a family assessment as a result of that report.
 - » This exception shall not limit the administrative or judicial authority of the State to ensure that medical services are provided to the child when the child's health requires it.

Montana**Physical Abuse****§ 41-3-102**

- *Physical abuse* means an intentional or omission or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.
- *Child abuse or neglect* means:
 - » Actual physical or psychological harm to a child
 - » Substantial risk of physical or psychological harm to a child
 - » Abandonment
- The term includes:
 - » Actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare
 - » Exposing a child to the criminal distribution of dangerous drugs, the criminal production or manufacture of dangerous drugs, or the operation of an unlawful clandestine laboratory
- *Physical or psychological harm* to a child means the harm that occurs whenever the parent or other person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect.

Neglect**§ 41-3-102**

Physical neglect means:

- Failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions
- Failure to provide cleanliness and general supervision
- Exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child

Physical or psychological harm to a child means the harm that occurs whenever the parent or other person responsible for the child's welfare:

- Causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so
- Exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk

Withholding of medically indicated treatment means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

Sexual Abuse**§ 41-3-102**

- *Sexual abuse* means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, ritual abuse, or incest.
- *Sexual exploitation* means allowing, permitting, or encouraging a child to engage in a prostitution offense, or allowing, permitting, or encouraging sexual abuse of children.
- Physical or psychological harm to a *child* means the harm that occurs whenever the parent or other person responsible for the child's welfare commits or allows sexual abuse or exploitation of the child.

Emotional Abuse**§ 41-3-102**

- *Psychological abuse or neglect* means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including acts of violence against another person residing in the child's home.
- *Physical or psychological harm to a child* means the harm that occurs whenever the parent or other person responsible for the child's welfare induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare.

Abandonment**§ 41-3-102**

- *Abandon, abandoned, and abandonment* mean:
 - » Leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future
 - » Willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child
 - » That the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed
 - » The voluntary surrender, as defined in § 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider
- *Physical or psychological harm to a child* means the harm that occurs whenever the parent or other person responsible for the child's welfare abandons the child.

Standards for Reporting**§ 41-3-102**

- Willfully or intentionally
- Harm or threatened harm
- Acts or omissions

Persons Responsible for the Child**§ 41-3-102**

A person responsible for a child's welfare means:

- The child's parent, guardian, foster parent, or an adult who resides in the same home in which the child resides
- A person providing care in a day-care facility
- An employee of a public or private residential institution, facility, home, or agency
- Any other person responsible for the child's welfare in a residential setting

Exceptions**§ 41-3-102**

- The term *abandoned* does not include the voluntary surrender of the child to the department solely because of parental inability to access publicly funded services.
- The term *child abuse* does not include self-defense, defense of others, or action taken to prevent the child from self-harm.
- This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child.
 - » This chapter may not be construed to limit the administrative or judicial authority of the State to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.
- The term *withholding medically indicated treatment* does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:
 - » The infant is chronically and irreversibly comatose
 - » The provision of treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant
 - » The provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane

Nebraska**Physical Abuse****§ 28-710**

Abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be placed in a situation that endangers his or her life or physical health, or to be cruelly confined or cruelly punished.

Neglect**§ 28-710**

Abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be deprived of necessary food, clothing, shelter, or care; or left unattended in a motor vehicle if such minor child is 6 years of age or younger.

Sexual Abuse**§ 28-710**

Abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- Sexually abused
- Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions

Emotional Abuse**§ 28-710**

Abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be placed in a situation that endangers his or her mental health.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 28-710**

- Knowingly or intentionally
- Negligently

Persons Responsible for the Child

Not specified in statute

Exceptions

None specified in statute

Nevada**Physical Abuse****§§ 432B.020; 432B.090; 432B.150**

- *Abuse or neglect of a child*, except as otherwise provided in this section, means physical or mental injury of a nonaccidental nature.
- *Physical injury* includes, without limitation:
 - » A sprain or dislocation
 - » Damage to cartilage
 - » A fracture of a bone or the skull
 - » An intracranial hemorrhage or injury to another internal organ
 - » A burn or scalding
 - » A cut, laceration, puncture, or bite
 - » Permanent or temporary disfigurement or loss or impairment of a part or organ of the body
- Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child.

Neglect**§ 432B.140**

Negligent treatment or maltreatment of a child occurs if a child has been abandoned, is without proper care, control, and supervision, and lacks the subsistence, education, shelter, medical care, or other care necessary for the well-being of the child because of the faults or habits of the person responsible for his welfare or his neglect or refusal to provide them when able to do so.

Sexual Abuse **§§ 432B.100; 432B.110**

Sexual abuse includes acts upon a child constituting:

- Incest
- Lewdness with a child
- Sadomasochistic abuse
- Sexual assault
- Statutory sexual seduction
- Mutilation of the genitalia of a female child, aiding, abetting, encouraging, or participating in the mutilation of the genitalia of a female child, or removal of a female child from this State for the purpose of mutilating the genitalia of the child

Sexual exploitation includes forcing, allowing or encouraging a child:

- To solicit for or engage in prostitution
- To view a pornographic film or literature
- To engage in filming, photographing, or recording on videotape, or posing, modeling, depiction or a live performance before an audience that involves the exhibition of a child's genitals or any sexual conduct with a child

Emotional Abuse **§ 432B.070**

Mental injury means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of his ability to function within his normal range of performance or behavior.

Abandonment **§ 432B.140**

Negligent treatment or maltreatment of a child occurs if a child has been abandoned.

Standards for Reporting **§ 432B.020**

Causing or allowing

Persons Responsible for the Child **§ 432B.130**

Person responsible for a child's welfare includes:

- The child's parent, guardian, or stepparent with whom the child lives
- An adult person continually or regularly found in the same household as the child
- A person directly responsible, serving as a volunteer, or employed in a public or private home, institution, or facility where a child actually resides or is receiving childcare outside his home for a portion of the day

Exceptions**§ 432B.020(2)**

- Relinquishment of a newborn in accordance with the law is not considered abuse or neglect.
- It is not considered abuse or neglect when a parent or guardian, in good faith, selects and depends upon nonmedical remedial treatment for the child, if such treatment is recognized and permitted under the laws of the State in lieu of medical treatment.
 - » This paragraph does not limit the court in ensuring that a child receive a medical examination and treatment pursuant to § 62E.280.

New Hampshire**Physical Abuse****§ 169-C:3**

Abused child means any child who has been:

- Sexually abused
- Intentionally physically injured
- Physically injured by other than accidental means

Neglect**§ 169-C:3**

Neglected child means a child:

- Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, when it is established that his health has suffered or is very likely to suffer serious impairment, and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian
- Whose parents, guardian, or custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity

Sexual Abuse**§ 169-C:3**

Sexual abuse means the following activities under circumstances that indicate that the child's health or welfare is harmed or threatened with harm:

- The employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in, any sexually explicit conduct or any simulation of such conduct for the purpose of producing any visual depiction of such conduct
- The rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children

Emotional Abuse**§ 169-C:3**

Abused child means any child who has been psychologically injured so that the child exhibits symptoms of emotional problems generally recognized to result from consistent mistreatment or neglect.

Abandonment**§ 169-C:3**

Abandoned means the child has been left by his parent, guardian, or custodian without provision for his care, supervision, or financial support although financially able to provide such support.

Standards for Reporting**§ 169-C:3**

- Intentional
- Harm or threatened harm

Persons Responsible for the Child**§ 169-C:3**

- *A person responsible for a child's welfare* includes the child's parent, guardian, or custodian, as well as the person providing out-of-home care of the child, if that person is not the parent, guardian, or custodian.
- **Parent** means mother, father, or adoptive parent, but such term shall not include a parent as to whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

Exceptions**§ 169-C:3**

No child who is, in good faith, under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be a neglected child under this chapter.

New Jersey**Physical Abuse****§§ 9:6-8.9; 9:6-8.21**

Abused child means a child under the age of 18 years whose parent, guardian, or other person having his custody and control:

- Inflicts or allows to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, impairment of physical or emotional health, or of the function of any bodily organ
- Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means that would be likely to cause death or serious or protracted disfigurement, or loss or impairment of the function of any bodily organ
- Unreasonably inflicts or allows to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances that do not indicate that the child's behavior is harmful to himself, others, or property

Neglect**§§ 9:6-8.9; 9:6-8.21**

Abused child means a child under the age of 18 years whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, or such other person having his custody and control, to exercise a minimum degree of care in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so.

Sexual Abuse**§§ 9:6-8.9; 9:6-8.21**

Abused child means a child under the age of 18 years whose parent, guardian, or other person having his custody and control commits or allows to be committed an act of sexual abuse against the child.

Emotional Abuse**§§ 9:6-8.9; 9:6-8.21**

Abused child means a child under the age of 18 years who is in an institution, excepting day schools, and:

- Has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being
- Has been willfully isolated from ordinary social contact under circumstances that indicate emotional or social deprivation

Abandonment**§ 9:6-8.9**

Abused child means a child under the age of 18 years who has been willfully abandoned by his parent or guardian.

Standards for Reporting**§§ 9:6-8.9; 9:6-8.21**

- Harm or substantial risk of harm
- Commits or allow to be committed

Persons Responsible for the Child**§§ 9:6-8.9; 9:6-8.21**

Parent, guardian, or other person having his custody and control

Exceptions**§ 9:6-8.21**

No child who in good faith is under treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for this reason alone be considered to be abused or neglected.

New Mexico**Physical Abuse****§§ 32A-4-2; 30-6-1(F)**

Abused child means a child:

- Who has suffered or is at risk of suffering serious harm because of the action or inaction of the child's parent, guardian, or custodian
- Who has suffered physical abuse inflicted or caused by the child's parent, guardian, or custodian
- Whose parent, guardian, or custodian has knowingly, intentionally, or negligently placed the child in a situation that may endanger the child's life or health
- Whose parent, guardian, or custodian has knowingly or intentionally tortured, cruelly confined, or cruelly punished the child

Physical abuse includes, but is not limited to, any case in which the child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and:

- There is not a justifiable explanation for the condition or death.
- The explanation given for the condition or death is at variance with the degree or nature of the condition or the nature of the death.
- Circumstances indicate that the condition or death may not be the product of an accidental occurrence.

Evidence that demonstrates that a child has been negligently allowed to enter or remain in a motor vehicle, building, or any other premises that contains chemicals, materials, or equipment used or intended for use in the manufacture of a controlled substance shall be deemed *prima facie* evidence of abuse of a child.

Neglect**§ 32A-4-2**

Neglected child means a child:

- Who has been abandoned by the child's parent, guardian, or custodian
- Who is without proper parental care and control or subsistence, education, medical, or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian, or custodian or the failure or refusal to provide them
- Who has been physically or sexually abused, when the child's parent, guardian, or custodian knew or should have known of the abuse and failed to take reasonable steps to protect the child from further harm
- Whose parent, guardian, or custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental disorder or incapacity
- Who has been placed for care or adoption in violation of the law

Sexual Abuse**§ 32A-4-2**

- *Abused child* means a child who has suffered sexual abuse or sexual exploitation inflicted by the child's parent, guardian, or custodian.
- *Sexual abuse* includes, but is not limited to, criminal sexual contact, incest, or criminal sexual penetration, as those acts are defined by State law.
- *Sexual exploitation* includes, but is not limited to:
 - » Allowing, permitting, or encouraging a child to engage in prostitution
 - » Allowing, permitting, encouraging, or engaging a child in obscene or pornographic photographing
 - » Filming or depicting a child for obscene or pornographic commercial purposes

Emotional Abuse**§ 32A-4-2**

Abused child means a child who has suffered emotional or psychological abuse inflicted or caused by the child's parent, guardian, or custodian.

Abandonment**§ 32A-4-2**

Abandonment includes instances when the parent, without justifiable cause:

- Left the child without provision for the child's identification for a period of 14 days
- Left the child with others, including the other parent or an agency, without provision for support and without communication for a period of 3 months if the child was under 6 years of age at the commencement of the 3-month period; or 6 months if the child was over 6 years of age at the commencement of the 6-month period

Standards for Reporting**§ 32A-4-2**

- Inflicted or caused
- Knowingly, intentionally, or negligently

Persons Responsible for the Child**§ 32A-4-2**

Parent, guardian, or custodian

Exceptions**§ 32A-4-2**

A child who is being provided with treatment by spiritual means alone through prayer, in accordance with the tenets and practices of a recognized church or religious denomination, by a duly accredited practitioner thereof is for that reason alone a neglected child.

New York**Physical Abuse****Soc. Serv. Law § 371**

Abused child means a child less than 18 years of age whose parent or other person legally responsible for his or her care:

- Inflicts or allows to be inflicted upon such child physical injury by other than accidental means that causes or creates a substantial risk of death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ
- Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means that would be likely to cause death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ

Neglect**Soc. Serv. Law § 371**

Neglected child means a child less than 18 years of age whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his or her care to exercise a minimum degree of care:

- In supplying the child with adequate food, clothing, shelter, education, medical, or surgical care, though financially able to do so or offered financial or other reasonable means to do so
- In providing the child with proper supervision or guardianship
- By unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment
- By misusing drugs or by alcoholic beverages to the extent that he or she loses self-control of his or her actions
- By any other acts of a similarly serious nature requiring the aid of the court

Sexual Abuse**Soc. Serv. Law § 371**

Abused child means a child less than 18 years of age whose parent or other person legally responsible for his or her care commits, or allows to be committed, an act of sexual abuse against such child, as defined in title H, article 130 of the penal law.

Emotional Abuse**Family Court Act § 1012**

Impairment of emotional health and impairment of mental or emotional condition includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, acting out, or misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

Abandonment**Soc. Serv. Law § 384-b**

A child is *abandoned* by his parent if such parent evinces an intent to forego his or her parental rights and obligations as manifested by his or her failure to visit the child and communicate with the child or agency, although able to do so and not prevented or discouraged from doing so by the agency. In the absence of evidence to the contrary, such ability to visit and communicate shall be presumed.

Standards for Reporting**Soc. Serv. Law § 371**

- Inflicts or allows to be inflicted
- Harm or substantial risk of harm

Persons Responsible for the Child**Family Court Act § 1012**

Person legally responsible includes the child's custodian, guardian, any other person responsible for the child's care at the relevant time. A custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Exceptions

None specified in statute

North Carolina**Physical Abuse****§ 7B-101**

Abused juvenile means any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker:

- Inflicts or allows to be inflicted upon the juvenile a serious physical injury by other than accidental means
- Creates or allows to be created a substantial risk of serious physical injury to the juvenile by other than accidental means
- Uses or allows to be used upon the juvenile cruel or grossly inappropriate procedures or cruel or grossly inappropriate devices to modify behavior

Neglect**§ 7B-101**

Neglected juvenile means a juvenile:

- Who does not receive proper care, supervision, or discipline from the juvenile's parent, guardian, custodian, or caretaker
- Who is not provided necessary medical or remedial care
- Who lives in an environment injurious to the juvenile's welfare
- Who has been placed for care or adoption in violation of law

In determining whether a juvenile is a neglected juvenile, it is relevant whether that juvenile lives in a home where another juvenile has been subjected to abuse or neglect by an adult who regularly lives in the home.

Sexual Abuse**§ 7B-101**

Abused juvenile means any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker commits, permits, or encourages the commission of a violation of the following laws regarding sexual offenses by, with, or upon the juvenile:

- First and second degree rape or sexual offense
- Sexual act by a custodian
- Crime against nature or incest
- Preparation of obscene photographs, slides, or motion pictures of the juvenile
- Employing or permitting the juvenile to assist in a violation of the obscenity laws
- Dissemination of obscene material to the juvenile
- Displaying or disseminating material harmful to the juvenile
- First and second degree sexual exploitation of the juvenile
- Promoting the prostitution of the juvenile
- Taking indecent liberties with the juvenile, regardless of the age of the parties

Emotional Abuse**§ 7B-101**

Abused juvenile means any juvenile less than 18 years of age whose parent, guardian, custodian, or caretaker creates or allows to be created serious emotional damage to the juvenile. Serious emotional damage is evidenced by a juvenile's severe anxiety, depression, withdrawal, or aggressive behavior toward himself or others.

Abandonment**§ 7B-101**

Neglected juvenile includes a juvenile who has been abandoned.

Standards for Reporting**§ 7B-101**

- Inflicts or allows to be inflicted injury by nonaccidental means
- Creates or allows to be created risk of injury
- Commits or permits

Persons Responsible for the Child**§ 7B-101**

A person responsible for a juvenile's health and welfare means:

- A parent, guardian, or custodian
- A stepparent, foster parent, or an adult member of the juvenile's household
- An adult relative entrusted with the juvenile's care
- Any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential childcare facility
- Any employee or volunteer of a division, institution, or school operated by the department

Exceptions

None specified in statute

North Dakota**Physical Abuse****§ 50-25.1-02**

Abused child means an individual under the age of 18 years who is suffering from serious physical harm or traumatic abuse caused by other than accidental means by a person responsible for the child's welfare.

Harm means negative changes in a child's health that occur when a person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical or mental injury, including injuries sustained as a result of excessive corporal punishment.

Neglect**§§ 50-25.1-02; 27-20-02**

Neglected child means a deprived child as defined in chapter 27-20.

Deprived child means a child who:

- Is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian
- Has been placed for care or adoption in violation of law
- Is without proper parental care, control, education, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is requested by a parent
- Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court
- Was subject to prenatal exposure to chronic and severe use of alcohol or any controlled substance in a manner not lawfully prescribed by a practitioner
- Is present in an environment subjecting the child to exposure to a controlled substance or drug paraphernalia

Sexual Abuse**§ 50-25.1-02**

- *Abused child* means an individual under the age of 18 years who is suffering from or was subjected to any sex offenses against a child.
- *Harm* means negative changes in a child's health that occur when a person responsible for the child's welfare commits, allows to be committed, or conspires to commit against the child a sex offense as defined in chapter 12.1-20.

Emotional Abuse**§ 50-25.1-02**

Harm means negative changes in a child's health that occur when a person responsible for the child's welfare inflicts or allows to be inflicted upon the child a mental injury.

Abandonment**§ 27-20-02**

Abandon means:

- As to a parent of a child not in the custody of that parent, failure by the noncustodial parent, without justifiable cause, to communicate significantly with the child, or to provide for the care and support of the child as required by law
- As to a parent of a child in that parent's custody:
 - » To leave the child for an indefinite period without making firm and agreed plans with the child's immediate caregiver for the parents' resumption of physical custody
 - » Following the child's birth or treatment at a hospital, to fail to arrange for the child's discharge within 10 days after the child no longer requires hospital care
 - » To willfully fail to furnish food, shelter, clothing, or medical attention reasonably sufficient to meet the child's needs

Abandoned infant means a child who has been abandoned before reaching the age of 1 year.

Standards for Reporting**§ 50-25.1-02**

- Inflicts or allows to be inflicted
- Commits or allows to be committed

Persons Responsible for the Child**§ 50-25.1-02**

A person responsible for the child's welfare means:

- The child's parent, guardian, or foster parent
- An employee of a public or private school or nonresidential childcare facility
- An employee of a public or private residential home, institution, or agency
- A person responsible for the child's welfare in a residential setting

Exceptions

None specified in statute

Northern Mariana Islands**Physical Abuse****Tit. 6, § 5312**

Child abuse is committed if the person willfully and intentionally strikes, beats, or by any other act or omission inflicts physical pain, injury, or mental distress upon a child under the age of 18 years who is in the person's custody, such pain or injury being clearly beyond the scope of reasonable corporal punishment, with the result that child's physical or mental health and well-being are harmed or threatened.

Neglect**Tit. 6, § 5312**

Child abuse is committed if the person, through willful or negligent act or omission, fails to provide a child under the age of 18 years who is in the person's custody adequate supervision, medical care, food, clothing, or shelter with the result that the child's physical or mental health and well-being are harmed or threatened.

Sexual Abuse**Tit. 6, §§ 1314; 5312**

Child abuse is committed if the person engages in or attempts to engage in an act of sexual molestation with a child under the age of 18 years who is in the person's custody.

A parent, legal guardian, or person having custody or control of a child under 18 years of age commits the crime of unlawful exploitation of a minor if the person permits the child to engage in [actual or simulated] conduct [of a sexual nature] knowing that the conduct is intended to be used in producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct.

Emotional Abuse**Tit. 6, § 5312**

Mental distress or injury means an effect on the intellectual or psychological capacity of a child as evidenced by observable and substantial impairment of his ability to function within normal ranges of performance and behavior, with due regard to his culture.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**Tit. 6, § 5312**

- Willfully and intentionally
- Willful or negligent act or omission
- Engages or attempts to engage

Persons Responsible for the Child**Tit. 6, §§ 1314; 5312**

- A parent or legal guardian
- A person who having custody or control of a child

Exceptions**Tit. 6, § 5312**

Child abuse does not include the exercise of reasonable and traditional parental discipline.

Ohio**Physical Abuse****§ 2151.031**

Abused child includes any child who:

- Is endangered as defined in the statute concerning endangering children, except that the court need not find that any person has been convicted under that section in order to find that the child is an abused child
- Exhibits evidence of any physical or mental injury or death, inflicted by other than accidental means, or an injury or death that is at variance with the history given of it
- Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare
- Is subjected to out-of-home care child abuse

Neglect**§ 2151.03(A)**

Neglected child includes any child:

- Who lacks proper parental care because of the faults or habits of the child's parents, guardian, or custodian
- Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well-being
- Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition
- Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of statutes regarding the placement and adoption of children
- Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare
- Who is subjected to out-of-home care child neglect

Sexual Abuse**§§ 2151.031; 2907.01; 2919.22**

Abused child includes any child who is the victim of sexual activity where such activity would constitute an offense, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child.

Sexual conduct means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body of any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact means any touching of an erogenous zone of another, including without limitation, the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

A person commits the crime of *endangering children* when the person does any of the following to a child: Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, sexually oriented, or nudity-oriented matter.

Emotional Abuse**§ 2151.011**

Mental injury means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in § 2919.22 and is committed by a parent or other person that is responsible for the child's care.

Abandonment**§§ 2151.011; 2151.03(A)**

Neglected child includes any child who is abandoned by the child's parents, guardian, or custodian.

A child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than 90 days, regardless of whether the parents resume contact with the child after that period of 90 days.

Standards for Reporting**§ 2151.031**

- Harm or threatened harm
- Act or omission

Persons Responsible for the Child**§ 2151.03(A)**

Parents, guardian, or custodian

Exceptions **§§ 2151.03(B); 2151.031**

- Nothing in this chapter shall be construed as subjecting a parent to criminal liability when, solely in the practice of religious beliefs, the parent fails to provide adequate medical or surgical care or treatment for the child.
 - » This division does not abrogate or limit any person's responsibility to report known or suspected child abuse or neglect.
 - » This does not preclude any exercise of the authority of the State or any court to ensure that medical or surgical care or treatment is provided to a child when the child's health requires it.
- A child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent is not an abused child if the measure is not prohibited under § 2919.22 [that prohibits cruel or excessive means of discipline].

Oklahoma**Physical Abuse****Tit. 10, § 7102**

- *Abuse* means harm or threatened harm to a child's health, safety, or welfare by a person responsible for the child's health, safety, or welfare, including sexual abuse and sexual exploitation.
- *Harm or threatened harm to a child's health or safety* includes, but is not limited to, nonaccidental physical injury.

Neglect**Tit. 10, § 7102**

- *Harm or threatened harm to a child's health or safety* includes, but is not limited to:
 - » Neglect
 - » Failure or omission to provide protection from harm or threatened harm
- *Neglect* means failure or omission to provide:
 - » Adequate food, clothing, shelter, medical care, and supervision
 - » Special care made necessary by the physical or mental condition of the child

Sexual Abuse**Tit. 10, § 7102**

- *Harm or threatened harm to a child's health or safety* includes, but is not limited to, sexual abuse or sexual exploitation.
- *Sexual abuse* includes, but is not limited to, rape, incest, and lewd or indecent acts or proposals, as defined by law, by a person responsible for the child's health, safety, or welfare.
- *Sexual exploitation* includes, but is not limited to:
 - » Allowing, permitting, or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the child's health, safety, or welfare
 - » Allowing, permitting, encouraging, or engaging in the lewd, obscene, or pornographic photographing, filming, or depicting of a child by a person responsible for the child's health, safety, or welfare

Emotional Abuse**Tit. 10, § 7102**

Harm or threatened harm to a child's health or safety includes, but is not limited to, mental injury.

Abandonment**Tit. 10, § 7102**

- *Harm or threatened harm to a child's health or safety* includes, but is not limited to, abandonment.
- *Neglect* includes abandonment.

Standards for Reporting**Tit. 10, § 7102**

Harm or threatened harm

Persons Responsible for the Child**Tit. 10, § 7102**

Person responsible for a child's health, safety, or welfare includes:

- A parent, legal guardian, custodian, or foster parent
- A person 18 years of age or older with whom the child's parent cohabits or any other adult residing in the home of the child
- An agent or employee of a public or private residential home, institution, facility, or day treatment program, or an owner, operator, or employee of a childcare facility

Exceptions**Tit. 10, §§ 7103(E); 7106(A)(3)**

- A child is not considered abused or neglected for the sole reason that the parent, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child.
 - » Nothing contained in this subsection shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.
 - » Nothing contained in this section shall be construed to exempt or prohibit any person from reporting any suspected child abuse or neglect pursuant to law.
- If an investigation or assessment conducted by the department in response to any report of child abuse or neglect shows that the incident reported was the result of the reasonable exercise of parental discipline involving the use of ordinary force, including, but not limited to, spanking, switching, or paddling, the investigation or assessment will proceed no further.

Oregon**Physical Abuse****§ 419B.005**

Abuse means:

- Any assault of a child and any physical injury to a child that has been caused by other than accidental means, including injury that appears to be at variance with the explanation given of the injury
- Threatened harm to a child, that means subjecting a child to a substantial risk of harm to the child's health or welfare

Neglect**§ 419B.005**

Abuse means negligent treatment or maltreatment of a child, including but not limited to, the failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the health or welfare of the child.

Sexual Abuse**§ 419B.005**

Abuse means:

- Rape of a child, that includes but is not limited to, rape, sodomy, unlawful sexual penetration, and incest
- Sexual abuse
- Sexual exploitation, including but not limited to:
 - » Contributing to the sexual delinquency of a minor
 - » Any other conduct that allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe, or the photographing, filming, tape recording, or other exhibition that, in whole or in part, depicts sexual conduct or contact, sexual abuse involving a child, or rape of a child
 - » Allowing, permitting, encouraging, or hiring a child to engage in prostitution

Emotional Abuse**§ 419B.005**

Abuse means any mental injury to a child that shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 419B.005**

- Caused by nonaccidental means
- Threatened harm
- Substantial risk of harm

Persons Responsible for the Child**§ 419B.005**

Any person

Exceptions**§ 419B.005**

Abuse does not include reasonable exercise of parental discipline.

Pennsylvania**Physical Abuse****Tit. 23, § 6303**

- *Child abuse* shall mean any of the following:
 - » Any recent act or failure to act by a perpetrator that causes nonaccidental serious physical injury to a child under 18 years of age
 - » Any recent act, failure to act, or series of such acts or failures to act by a perpetrator that creates an imminent risk of serious physical injury to a child under 18 years of age
- *Serious bodily injury* means bodily injury that creates a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of function of any bodily member or organ.
- *Serious physical injury* means an injury that causes a child severe pain or significantly impairs a child's physical functioning, either temporarily or permanently.

Neglect**Tit. 23, § 6303**

Child abuse includes serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide essentials of life, including adequate medical care, that endangers a child's life or development or impairs the child's functioning.

Sexual Abuse**Tit. 23, § 6303**

Child abuse shall mean any of the following:

- An act or failure to act by a perpetrator that causes sexual abuse or sexual exploitation of a child under 18 years of age
- Any recent act, failure to act, or series of such acts or failures to act by a perpetrator that creates an imminent risk of sexual abuse or sexual exploitation of a child under 18 years of age

Sexual abuse or exploitation means the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in or assist any other person to engage in any sexually explicit conduct or any simulation of any sexually explicit conduct for the purpose of producing:

- Any visual depiction, including photographing, videotaping, computer depicting, or filming of any sexually explicit conduct
- The rape, sexual assault, involuntary deviate sexual intercourse, aggravated indecent assault, molestation, incest, indecent exposure, prostitution, statutory sexual assault, or other form of sexual exploitation of children

Emotional Abuse**Tit. 23, § 6303**

- *Child abuse* includes an act or failure to act by a perpetrator that causes nonaccidental serious mental injury to a child under 18 years of age.
- *Serious mental injury* means a psychological condition, as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that:
 - » Renders a child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that the child's life or safety is threatened
 - » Seriously interferes with a child's ability to accomplish age-appropriate development and social tasks

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**Tit. 23, § 6303**

Recent act or failure to act

Persons Responsible for the Child**Tit. 23, § 6303**

- A parent of a child
- A person responsible for the welfare of a child
- An individual residing in the same home as a child
- A paramour of a child's parent

Exceptions**Tit. 23, § 6303**

- No child shall be deemed to be physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.
- If, upon investigation, the county agency determines that a child has not been provided needed medical or surgical care because of seriously held religious beliefs of the child's parents, and such beliefs are consistent with those of a bona fide religion, the child shall not be deemed to be physically or mentally abused.
 - » The county agency shall closely monitor the child and shall seek court-ordered medical intervention when the lack of medical or surgical care threatens the child's life or long-term health.

Puerto Rico**Physical Abuse****Tit. 8, § 441**

- *Abuse* means any intentional act or omission of such a nature whereby a minor is inflicted or in jeopardy of suffering harm or prejudice to his or her health and physical and moral integrity.
- *Physical harm* means any nonaccidental trauma, injury, or condition, including which, if not given the proper attention, could result in temporary or permanent disfigurement or disability of any bodily part or function, including being near death, or that which is caused through lack of nourishment.

Neglect**Tit. 8, § 441**

Abuse through neglect means a type of abuse that consists of failing to perform the duties or not exercising the power to adequately provide food, shelter, education, or health care of a minor, failing to exert supervision; failing to visit the minor or not keeping in contact or frequent communication with the minor.

Medical neglect means a failure to respond to conditions that threaten the life of a minor through providing appropriate treatment, including nutrition, hydration, and medication that in the professional judgment of a physician could be effective in reducing or correcting the conditions.

Sexual Abuse**Tit. 8, § 441**

- *Abuse* means any intentional act or omission of such a nature whereby a minor is inflicted or in jeopardy of suffering harm or prejudice to his or her health and physical, mental, emotional, and/or moral integrity including, but not limited to:
 - » Sexual abuse
 - » Obscene conduct witnessed by the minor or in which a minor is used to perform obscene acts
 - » The exploitation of a minor by the father, mother, a person responsible for the welfare of a minor, or by another with the consent of the father, forcing or allowing him or her to perform any act, including, but not limited to using a minor to perform obscene acts for profit or to obtain some other benefit
- *Sexual abuse* means any act that if criminally prosecuted would constitute the crime of rape, sodomy, lewd or lascivious acts, incest, indecent exposure, obscene propositions, or remitting, transporting, selling, distributing, publishing, exhibiting, or possessing of obscene material.

Emotional Abuse**Tit. 8, § 441**

- *Abuse* means any intentional act or omission of such a nature whereby a minor is inflicted or in jeopardy of suffering harm or prejudice to his or her health and physical, mental, emotional, and/or moral integrity including, but not limited to, emotional harm inflicted by witnessing acts of domestic violence.
- *Mental or emotional harm* means the impairment of the intellectual or emotional capacity of a minor to function intellectually or emotionally within what is deemed to be normal for his or her age and in his or her cultural environment. Evidence of emotional harm includes anxiety, depression, withdrawal, or aggressive behavior.

Abandonment**Tit. 8, § 441**

- *Abuse* includes the willful abandonment of a minor.
- *Abandonment* means the willful dereliction of duty [by] the father, mother, or person responsible for the welfare of the minor, taking into account the age of the child and his or her need to be cared for by an adult. The intention to abandon may be evidenced through:
 - » Lack of communication with the minor for at least 3 months
 - » When the circumstances of the minor make it impossible to ascertain the identity of the father, mother, or person responsible for his or her welfare; when their identity is known but their whereabouts are unknown despite the efforts made to locate them; and said father, mother, or person responsible for the welfare of the minor fail to claim him or her within 30 days after the minor has been found

Standards for Reporting**Tit. 8, § 441**

Intentional act or omission

Persons Responsible for the Child**Tit. 8, § 441**

- The father, mother, or person responsible for the welfare of the minor
- *Person responsible for the welfare of a minor* means the parents, guardians, foster parents, employees and officials of the public or private homes or care centers, or the institutions that provide caregiving services for a 24-hour day period or part thereof, or other persons in charge of the welfare of the minor.

Exceptions**Tit. 8, § 441**

It is not medical neglect when the parent refuses to provide medical treatment that would be ineffective or inhumane.

Rhode Island**Physical Abuse****§ 40-11-2**

Abused and/or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- Inflicts or allows to be inflicted upon the child physical or mental injury, including excessive corporal punishment
- Creates or allows to be created a substantial risk of physical or mental injury to the child, including excessive corporal punishment

Neglect**§ 40-11-2**

Abused and/or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- Fails to supply the child with adequate food, clothing, shelter, or medical care, though financially able to do so or offered financial or other reasonable means to do so
- Fails to provide the child with a minimum degree of care or proper supervision or guardianship because of his or her unwillingness or inability to do so by situations or conditions such as, but not limited to, social problems, mental incompetency, or the use of a drug, drugs, or alcohol to the extent that the parent or other person responsible for the child's welfare loses his or her ability or is unwilling to properly care for the child

Sexual Abuse**§ 40-11-2**

Abused and/or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare:

- Commits or allows to be committed against the child an act of sexual abuse
- Sexually exploits the child in that the person allows, permits, or encourages the child to engage in prostitution
- Sexually exploits the child in that the person allows, permits, encourages, or engages in the obscene or pornographic photographing, filming, or depiction of the child in a setting that taken as a whole suggests to the average person that the child is about to engage in or has engaged in any sexual act, or that depicts any such child under 18 years of age performing sodomy, oral copulation, sexual intercourse, masturbation, or bestiality
- Commits or allows to be committed any sexual offense against the child
- Commits or allows to be committed against any child an act involving sexual penetration or sexual contact if the child is under 15 years of age; or if the child is 15 years or older, and (1) force or coercion is used by the perpetrator, or (2) the perpetrator knows or has reason to know that the victim is a severely impaired person, or physically helpless

Emotional Abuse**§ 40-11-2**

Mental injury includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, ability to think or reason, control of aggressive or self-destructive impulses, acting-out or misbehavior, including incorrigibility, ungovernability, or habitual truancy. However, the injury must be clearly attributable to the unwillingness or inability of the parent or other person responsible for the child's welfare to exercise a minimum degree of care toward the child.

Abandonment**§ 40-11-2**

Abused and/or neglected child means a child whose physical or mental health or welfare is harmed or threatened with harm when his or her parent or other person responsible for his or her welfare abandons or deserts the child.

Standards for Reporting**§ 40-11-2**

Harm or threatened harm

Persons Responsible for the Child**§ 40-11-2**

Person responsible for child's welfare means:

- The child's parent or guardian
- Any individual, 18 years of age or older, who resides in the home of a parent or guardian and has unsupervised access to a child
- A foster parent
- An employee of a public or private residential home or facility
- Any staff person providing out-of-home care

Exceptions

None specified in statute

South Carolina**Physical Abuse****§ 20-7-490**

- *Abused or neglected child* means a child whose death results from, or whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the child's parent, guardian, or other person responsible for his welfare.
- *Child abuse or neglect or harm* occurs when the parent, guardian, or other person responsible for the child's welfare inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions that present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment.
- *Physical injury* means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

Neglect**§ 20-7-490**

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, education, supervision appropriate to the child's age and development, or health care, though financially able to do so or offered financial or other reasonable means to do so, and the failure to do so has caused physical or mental injury or presents a substantial risk of causing physical or mental injury.

Sexual Abuse**§ 20-7-490**

Child abuse or neglect or harm occurs when the parent, guardian, or other person responsible for the child's welfare commits or allows to be committed against the child a sexual offense or engages in acts or omissions that present a substantial risk that a sexual offense would be committed against the child.

Emotional Abuse**§ 20-7-490**

Mental injury means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

Abandonment**§ 20-7-490**

Abandonment of a child means a parent or guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

Standards for Reporting**§ 20-7-490**

- Harm or threatened harm
- Acts or omissions

Persons Responsible for the Child**§ 20-7-490**

A person responsible for a child's welfare includes:

- The child's parent, guardian, or foster parent
- An operator, employee, or caregiver of a public or private residential home, institution, agency, or childcare facility
- An adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child

Exceptions**§ 20-7-490**

Child abuse or neglect does not include corporal punishment or physical discipline that is reasonable in manner and moderate in degree.

South Dakota**Physical Abuse****§ 26-8A-2**

Abused or neglected child means a child:

- Whose parent, guardian, or custodian has subjected the child to mistreatment or abuse
- Who was subject to prenatal exposure to abusive use of alcohol, any controlled drug, or substance not lawfully prescribed by a practitioner

Neglect**§ 26-8A-2**

Abused or neglected child means a child:

- Who lacks proper parental care through the actions or omissions of the child's parent, guardian, or custodian
- Whose environment is injurious to the child's welfare
- Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being
- Whose parent, guardian, or custodian knowingly exposes the child to an environment that is being used for the manufacturing of methamphetamines
- Who is homeless, without proper care, or not domiciled with the child's parent, guardian, or custodian through no fault of the child's parent, guardian, or custodian

Sexual Abuse**§ 26-8A-2**

Abused or neglected child means a child who is subject to sexual abuse, sexual molestation, or sexual exploitation by the child's parent, guardian, custodian, or any other person responsible for the child's care.

Emotional Abuse**§ 26-8A-2**

Abused or neglected child means a child who has sustained emotional harm or mental injury as indicated by an injury to the child's intellectual or psychological capacity, evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

Abandonment**§ 26-8A-2**

Abused or neglected child means a child whose parent, guardian, or custodian has abandoned the child.

Standards for Reporting**§ 26-8A-2**

Threatened with substantial harm

Persons Responsible for the Child**§ 26-8A-2**

Parent, guardian, or custodian

Exceptions

None specified in statute

Tennessee**Physical Abuse****§ 37-1-102**

- Abuse exists when a person under the age of 18 years is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability, or physical or mental condition caused by brutality, neglect, or other actions or inactions of a parent, relative, guardian, or caretaker.
- Severe child abuse means:
 - » The knowing exposure of a child to or the knowing failure to protect a child from abuse or neglect that is likely to cause great bodily harm or death, and the knowing use of force on a child that is likely to cause great bodily harm
 - » Specific brutality, abuse, or neglect towards a child that in the opinion of qualified experts has caused or will reasonably be expected to produce severe psychosis, severe neurotic disorder, severe depression, severe developmental delay or retardation, or severe impairment of the child's ability to function adequately in the child's environment, and the knowing failure to protect a child from such conduct
 - » The knowing failure to protect the child from the commission of any such act towards the child
 - » Knowingly allowing a child to be present within a structure where the act of creating methamphetamine is occurring

Neglect**§ 37-1-102**

Neglected child means a child:

- Who is under unlawful or improper care, supervision, custody, or restraint by any person, corporation, agency, association, institution, society, or other organization, or who is unlawfully kept out of school
- Whose parent, guardian, or custodian neglects or refuses to provide necessary medical, surgical, institutional, or hospital care for the child
- Who, because of lack of proper supervision, is found in any public place the existence of which is in violation of the law
- Who is in such condition of want or suffering or is under such improper guardianship or control as to injure or endanger the morals or health of the child or others

Sexual Abuse**§ 37-1-602**

Child sexual abuse means the commission of any act involving the unlawful sexual abuse, molestation, fondling, or carnal knowledge of a child under 13 years of age that on or after November 1, 1989, constituted the criminal offense of:

- Aggravated rape, sexual battery, or sexual exploitation of a minor
- Criminal attempt for any of the offenses listed above
- Especially aggravated sexual exploitation of a minor
- Incest
- Rape, sexual battery, or sexual exploitation of a minor

Child sexual abuse also means one or more of the following acts:

- Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen
- Any contact between the genitals or anal opening of one person and the mouth or tongue of another person
- Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose
- The intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them, of either the child or the perpetrator
- The intentional exposure of the perpetrator's genitals in the presence of a child, or any other sexual act intentionally perpetrated in the presence of a child, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose
- The sexual exploitation of a child, which includes allowing, encouraging, or forcing a child to solicit for or engage in prostitution, or engage in sexual exploitation of a minor

Emotional Abuse**§ 37-1-602**

Mental injury means an injury to the intellectual or psychological capacity of a child as evidenced by a discernible and substantial impairment in the child's ability to function within the child's normal range of performance and behavior, with due regard to the child's culture.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 37-1-102**

- Commits or allows to be commit
- Knowing failure to protect

Persons Responsible for the Child**§§ 37-1-102; 37-1-102**

- Parent or guardian
- Person with whom the child lives
- Other person responsible for a child's care or welfare that includes, but is not limited to:
 - » Legal custodian or foster parent
 - » An employee of a public or private childcare agency or public or private school
 - » Any other person legally responsible for the child's welfare in a residential setting

Exceptions**§ 37-1-602**

Child sexual abuse does not include acts intended for a valid medical purpose, or acts that may reasonably be construed to be normal caretaker responsibilities, interactions with, or affection for a child.

Texas**Physical Abuse****Fam. Code § 261.001**

Abuse includes the following acts or omissions by a person:

- Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or conservator that does not expose the child to a substantial risk of harm
- Failure to make a reasonable effort to prevent an action by another person that results in physical injury or substantial harm to the child
- The current use by a person of a controlled substance, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child
- Causing, expressly permitting, or encouraging a child to use a controlled substance

Neglect**Fam. Code § 261.001**

Neglect includes the following acts or omissions by a person:

- Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child
- Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury, or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child
- The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused
- Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child
- The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away

Sexual Abuse**Fam. Code § 261.001**

Abuse includes the following acts or omissions by a person:

- Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child, sexual assault, or aggravated sexual assault
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child
- Compelling or encouraging the child to engage in sexual conduct
- Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene or pornographic
- Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child

Emotional Abuse**Fam. Code § 261.001**

Abuse includes the following acts or omissions by a person:

- Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning
- Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning

Abandonment**Fam. Code § 261.001**

Neglect includes the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of intent not to return by a parent, guardian, or conservator of the child.

Standards for Reporting**Fam. Code § 261.001**

- Acts or omissions
- Causing or permitting
- Failure to make reasonable efforts to prevent

Persons Responsible for the Child**Fam. Code § 261.001**

Person responsible for a child's care, custody, or welfare means a person who traditionally is responsible for a child's care, custody, or welfare, including:

- A parent, guardian, conservator, or foster parent of the child
- A member of the child's family or household, meaning persons living together in the same dwelling, without regard to whether they are related to each other, and includes persons who previously lived in the household
- A person with whom the child's parent cohabits
- School personnel or a volunteer at the child's school
- Personnel or a volunteer at a public or private childcare facility that provides services for the child or at a public or private residential institution or facility where the child resides

Exceptions**Fam. Code § 261.001**

Abuse does not include reasonable discipline by a parent that does not expose the child to substantial risk of harm.

Utah**Physical Abuse****§ 62A-4a-402**

- *Child abuse or neglect* means causing harm or threatened harm to a child's health or welfare.
- *Harm or threatened harm* means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to causing nonaccidental physical or mental injury.

Neglect**§ 62A-4a-402**

Harm or threatened harm means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to repeated negligent treatment or maltreatment.

Sexual Abuse**§ 62A-4a-402**

- *Harm or threatened harm* means damage or threatened damage to the physical or emotional health and welfare of a child through neglect or abuse, and includes but is not limited to incest, sexual abuse, sexual exploitation, or molestation.
- *Sexual abuse* means acts or attempted acts of sexual intercourse, sodomy, or molestation directed towards a child.
- *Sexual exploitation of minors* means knowingly employing, using, persuading, inducing, enticing, or coercing any minor to pose in the nude for the purpose of sexual arousal of any person or for profit, or to engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way sexual or simulated sexual conduct, and includes displaying, distributing, possessing for the purpose of distribution, or selling material depicting minors in the nude, or engaging in sexual or simulated sexual conduct.

Emotional Abuse**§ 62A-4a-402**

Harm or threatened harm means damage or threatened damage to the emotional health and welfare of a child through neglect or abuse.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 62A-4a-402**

Harm or threatened harm

Persons Responsible for the Child**§ 62A-4a-402**

A *person responsible for a child's care* means the child's parent, guardian, or other person responsible for the child's care, whether in the same home as the child, a relative's home, a group, family, or center day-care facility, a foster care home, or a residential institution.

Exceptions

None specified in statute

Vermont**Physical Abuse****Tit. 33, § 4912**

- *Abused or neglected child* means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his or her parent or other person responsible for the child's welfare.
- *Harm* can occur by physical injury.
- *Physical injury* means death or permanent or temporary disfigurement or impairment of any bodily organ or function by other than accidental means.

Neglect**Tit. 33, § 4912**

Harm can occur by failure to supply the child with adequate food, clothing, shelter, or health care.

Sexual Abuse**Tit. 33, § 4912**

- An *abused or neglected child* also means a child who is sexually abused or at substantial risk of sexual abuse by any person.
- *Sexual abuse* consists of any act or acts by any person involving sexual molestation or exploitation of a child including, but not limited to, incest, prostitution, rape, sodomy, or any lewd and lascivious conduct involving a child.
- *Sexual abuse* also includes the aiding, abetting, counseling, hiring, or procuring of a child to perform or participate in any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or sadomasochistic abuse involving a child.

Emotional Abuse**Tit. 33, § 4912**

- *Harm* can occur by emotional maltreatment.
- *Emotional maltreatment* means a pattern of malicious behavior, which results in impaired psychological growth and development.

Abandonment**Tit. 33, § 4912**

Harm can occur by the abandonment of the child.

Standards for Reporting**Tit. 33, § 4912**

- Harm or substantial risk of harm
- Acts or omissions

Persons Responsible for the Child**Tit. 33, § 4912**

A person responsible for a child's welfare includes:

- The child's parent, guardian, or foster parent
- Any other adult residing in the home who serves in a parental role
- An employee of a public or private residential home, institution, or agency
- Other person responsible for the child's welfare while in a residential, educational, or daycare setting, including any staff person

Exceptions**Tit. 33, § 4912**

A parent or other person responsible for a child's care legitimately practicing his or her religious beliefs who thereby does not provide specified medical treatment for a child shall not be considered neglectful for that reason alone.

Virgin Islands**Physical Abuse****Tit. 5, § 2502**

Abuse means any physical injury inflicted on a child, other than by accidental means, by those responsible for the care and maintenance of the child, which injury causes or creates substantial risk of death, serious or protracted disfigurement, protracted impairment of physical health, or loss or protracted impairment of the function of any bodily organ.

Imminent danger to that child's life or health means danger that involves:

- Substantial physical pain
- Serious bodily injury resulting in physical disfigurement
- Substantial impairment of the function of a bodily member or organ
- Injury that may result in death

Neglect**Tit. 5, § 2502**

Neglect means the failure by those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education, and medical or mental health care, to the extent that the child's health or welfare is harmed or threatened thereby.

Sexual Abuse**Tit. 5, § 2502**

- *Abuse* includes the sexual abuse of a child, as defined by law, or the sexual exploitation of a child, including the prostituting of a child, and the photographing or other depiction of a child for pornographic purposes, or a persistent course of sexual conduct that causes a child's health or welfare to be harmed or threatened.
- *Imminent danger to that child's life or health* means danger that involves actual or attempted sexual abuse.

Emotional Abuse**Tit. 5, § 2502**

- *Abuse* means any mental injury inflicted on a child, which injury causes or creates substantial risk of impairment of emotional health.
- *Imminent danger to that child's life or health* means danger that involves substantial impairment of the intellectual, psychological, or emotional capacity of a child caused by inhumane acts or conduct.

Abandonment**Tit. 5, § 2502**

Abandoned child means a child whose parents, guardian, or custodian desert him for such a length of time and under such circumstances as to show an intent to evade the duty of rearing him or a reckless disregard for his needs.

- It shall be a rebuttable presumption that the parent intends to abandon the child who has been left without any provision for his support or without communication from such parent for a period of 6 months.
- If, in the opinion of the court, the evidence indicates that such parent has made only minimal efforts to support or communicate with the child, the court may declare the child to be abandoned.
- Abandonment is a form of neglect.

Standards for Reporting**Tit. 5, § 2502**

- Reckless disregard
- Causing
- Creating substantial risk of harm
- Actual or attempted

Persons Responsible for the Child**Tit. 5, § 2502**

Person responsible for a child's care includes:

- The child's parent, guardian, or custodian
- Other person or agency responsible for the child's welfare or care, whether the child is in his or her own home, shelter care, a detention home, a relative's home, a foster home, or a residential institution

Exceptions

None specified in statute

Virginia**Physical Abuse****§ 63.2-100**

Abused or neglected child means any child less than 18 years of age whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily functions.

Neglect**§ 63.2-100**

Abused or neglected child means any child less than 18 years of age:

- Whose parents or other person responsible for his or her care neglects or refuses to provide care necessary for his or her health
- Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing *in loco parentis*

Sexual Abuse**§ 63.2-100**

Abused or neglected child means any child less than 18 years of age whose parents or other person responsible for his or her care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law.

Emotional Abuse**§ 63.2-100**

Abused or neglected child means any child less than 18 years of age whose parents or other person responsible for his or her care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a mental injury, or creates a substantial risk of impairment of mental functions.

Abandonment**§ 63.2-100**

Abused or neglected child means any child less than 18 years of age whose parents or other person responsible for his or her care abandons such child.

Standards for Reporting**§ 63.2-100**

- Creates or inflicts
- Threatens to create or inflict
- Allows

Persons Responsible for the Child**§ 63.2-100**

Parents or other person responsible for the care of the child

Exceptions**§ 63.2-100**

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child.

Washington**Physical Abuse****§§ 26.44.020; 26.44.030**

- *Abuse or neglect* means the injury or maltreatment of a child by any person under circumstances that indicate that the child's health, welfare, and safety are harmed.
- *Severe abuse* means any of the following:
 - » Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death
 - » Any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling
 - » More than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness

Neglect**§ 26.44.020**

- *Abuse or neglect* means the negligent treatment of a child by any person under circumstances that indicate that the child's health, welfare, and safety are harmed.
- *Negligent treatment or maltreatment* means an act or omission that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.

Sexual Abuse**§ 26.44.020**

- *Abuse or neglect* means the sexual abuse or sexual exploitation of a child by any person under circumstances that indicate that the child's health, welfare, and safety are harmed.
- *Sexual exploitation* includes:
 - » Allowing, permitting, or encouraging a child to engage in prostitution by any person
 - » Allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person

Emotional Abuse

Not addressed in statutes reviewed

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§ 26.44.020**

Harm to the child's health, welfare, and safety

Persons Responsible for the Child**§ 26.44.020**

Any person

Exceptions **§§ 26.44.015; 26.44.020**

- This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, and safety.
- Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.
- A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

West Virginia**Physical Abuse****§ 49-1-3**

Child abuse and neglect or child abuse or neglect means physical injury, or sale or attempted sale of a child by a parent, guardian or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

Imminent danger to the physical well-being of the child means an emergency situation in which the welfare or the life of the child is threatened. Such emergency situation exists when there is reasonable cause that the following conditions threaten the health or life of any child in the home:

- Nonaccidental trauma inflicted by a parent, guardian, custodian, sibling, babysitter, or other caretaker
- A combination of physical and other signs indicating a pattern of abuse that may be medically diagnosed as battered child syndrome
- Sale or attempted sale of the child by the parent, guardian, or custodian

Serious physical abuse means bodily injury that creates a substantial risk of death or causes serious or prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

Neglect**§ 49-1-3**

Child abuse and neglect or child abuse or neglect means negligent treatment or maltreatment of a child by a parent, guardian, or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

Neglected child means a child:

- Whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education that is not due primarily to a lack of financial means
- Who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent or custodian

Sexual Abuse**§ 49-1-3**

Child abuse and neglect or child abuse or neglect means sexual abuse or sexual exploitation of a child by a parent, guardian, or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

Sexual abuse means the acts of sexual intercourse, sexual intrusion, or sexual contact, when they occur under the following circumstances:

- As to a child who is less than 16 years of age, those acts that a parent, guardian, or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in with the child, notwithstanding the fact that the child may have willingly participated in such conduct or the fact that the child may have suffered no apparent physical, mental, or emotional injury as a result of such conduct
- As to a child who is 16 years of age or older, those acts that a parent, guardian, or custodian shall engage in, attempt to engage in, or knowingly procure another person to engage in with the child, notwithstanding the fact that the child may have consented to such conduct or the fact that the child may have suffered no apparent physical, mental, or emotional injury as a result of such conduct

Sexual abuse also means any conduct whereby a parent, guardian, or custodian displays his or her sex organs to a child, or procures another person to display his or her sex organs to a child, for the purpose of gratifying the sexual desire of the person making such display, or of the child, or for the purpose of affronting or alarming the child.

Sexual exploitation means an act whereby:

- A parent, custodian, or guardian, whether for financial gain or not, persuades, induces, entices, or coerces a child to engage in sexually explicit conduct
- A parent, guardian, or custodian persuades, induces, entices, or coerces a child to display his or her sex organs for the sexual gratification of the parent, guardian, custodian, or a third person, or to display his or her sex organs under circumstances in which the parent, guardian, or custodian knows such display is likely to be observed by others who would be affronted or alarmed

Emotional Abuse**§ 49-1-3**

Child abuse and neglect or child abuse or neglect includes mental or emotional injury of a child by a parent, guardian, or custodian who is responsible for the child's welfare, under circumstances that harm or threaten the health and welfare of the child.

Imminent danger to the physical well-being of the child includes substantial emotional injury inflicted by a parent, guardian, or custodian.

Abandonment**§ 49-1-3**

Imminent danger to the physical well-being of the child includes abandonment by the parent, guardian, or custodian.

Standards for Reporting**§ 49-1-3**

- Knowingly or intentionally
- Inflicts or attempts to inflict
- Threatens the life or welfare of the child

Persons Responsible for the Child**§ 49-1-3**

Parent, guardian, or custodian

Exceptions**§ 49-1-3**

A child is not considered neglected when:

- The lack of necessary food, clothing, shelter, or medical care is due primarily to a lack of financial means on the part of the parent.
- The child's education is conducted within the provisions of § 18-8-1 [that provides exemption from State compulsory education requirement for private school enrollment or home-schooling].

Wisconsin**Physical Abuse****§ 48.02**

- Abuse means any of the following:
 - » Physical injury inflicted on a child by other than accidental means
 - » When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree
- Physical injury includes, but is not limited to, lacerations, fractured bones, burns, internal injuries, severe or frequent bruising, or great bodily harm.

Neglect**§ 48.981**

Neglect means failure, refusal, or inability on the part of a parent, guardian, legal custodian, or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

Sexual Abuse**§ 48.02**

Abuse means any of the following:

- Sexual intercourse or sexual contact
- A violation of the statute regarding the sexual exploitation of a child
- Permitting, allowing, or encouraging a child to engage in prostitution
- A violation of the statute that prohibits causing a child to view or listen to sexual activity
- A violation of the statute that prohibits the exposure of the genitals to a child

Emotional Abuse**§ 48.02**

Abuse means emotional damage for which the child's parent, guardian or legal custodian has neglected, refused, or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

Emotional damage means harm to a child's psychological or intellectual functioning. Emotional damage shall be evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety, depression, withdrawal, outward aggressive behavior, or a substantial and observable change in behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development.

Abandonment

Not addressed in statutes reviewed

Standards for Reporting**§§ 48.02: 48.981**

- Inflicts or threatens to inflict
- Risk of harm to unborn child

Persons Responsible for the Child**§ 48.981**

- Parent, guardian, or legal custodian
- Other person exercising temporary or permanent control over a child

Exceptions**§ 48.981**

It is not considered neglect when the failure to provide the child with necessary care, food, clothing, shelter, medical, or dental care is due to poverty.

Wyoming**Physical Abuse****§ 14-3-202**

Abuse with respect to a child means inflicting or causing physical injury, harm, or imminent danger to the physical health or welfare of a child other than by accidental means, including excessive or unreasonable corporal punishment.

Physical injury means any harm to a child, including but not limited to disfigurement, impairment of any bodily organ, skin bruising if greater in magnitude than minor bruising associated with reasonable corporal punishment, bleeding, burns, fracture of any bone, subdural hematoma, or substantial malnutrition.

Neglect**§ 14-3-202**

- *Abuse with respect to a child* means malnutrition or substantial risk of harm by reason of intentional or unintentional neglect.
- *Neglect* means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education, medical, surgical, or any other care necessary for the child's well-being.

Sexual Abuse**§ 14-3-202**

Abuse with respect to a child means the commission or allowing the commission of a sexual offense against a child, as defined by law.

Emotional Abuse**§ 14-3-202**

- *Abuse with respect to a child* means inflicting or causing mental injury, or harm to the mental health or welfare of the child.
- *Mental injury* means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in his or her ability to function within a normal range of performance and behavior with due regard to his or her culture.

Abandonment**§ 14-3-202**

Abuse with respect to a child includes abandonment, unless the abandonment is a relinquishment substantially in accordance with §§ 14-11-101 through 14-11-109.

Standards for Reporting**§ 14-3-202**

- Inflicting or causing
- Harm or imminent danger

Persons Responsible for the Child**§ 14-3-202**

A person responsible for a child's welfare includes:

- The child's parent, noncustodial parent, guardian, custodian, stepparent, or foster parent
- Other person, institution, or agency having the physical custody or control of the child

Exceptions

§ 14-3-202

Medical treatment given in good faith by spiritual means alone through prayer by a duly accredited practitioner, in accordance with the tenets and practices of a recognized church or religious denomination, is not child neglect for that reason alone.